



CITY OF BEAVERTON
Planning Division
Community Development Department
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STAFF REPORT

Report date: April 29, 2022

Application/project name: HOUSING OPTIONS PROJECT Comprehensive Plan Amendment, Development Code Text Amendment, and Zoning Map Amendment

Application Numbers: CPA2022-0004, TA2022-0002, ZMA2022-0004

Hearing information: 6:30 p.m. May 11, 2022
12725 SW Millikan Way
City Hall, City Council Chambers, First Floor
Beaverton City Hall,
See options for viewing the meeting and providing testimony at: <https://www.beavertonoregon.gov/291/Agendas-Minutes>

Proposal: The City of Beaverton proposes to amend the Development Code, Zoning Map and Comprehensive Plan (including the Land Use Map) to implement the requirements of House Bill 2001 (2019 state legislation) and related Oregon Administrative Rules. Proposed Development Code amendments allow additional housing variety in residential zones and make other associated changes to several chapters in the code. Proposed Zoning Map amendments would combine six residential zoning districts into four zoning districts and rename those districts. Proposed Comprehensive Plan amendments would change the Land Use Map, which zoning districts implement residential land use designations, and which Beaverton land use designations and zoning districts are considered similar to Washington County land use designations.

Proposal location: Citywide, including changes to allowed uses in R1, R2, R4, R5, R7, R10, NS, CS, CC, GC, RC-E, TC-MU, TC-HDR, SC-MU. Comprehensive Plan Map changes focus on four existing Neighborhoods land use designations (High-, Medium-, Standard- and Low-Density Neighborhoods), which would become High-, Medium-, and Lower-Density Neighborhoods. Neighborhood land use designations are reserved primarily for the city's residential neighborhoods.

Applicant: City of Beaverton



Recommendation: Staff recommend the Planning Commission review the proposal, take public testimony, deliberate on the proposal, and make a recommendation of approval to City Council.

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EXHIBITS

- Exhibit 1 Proposed Comprehensive Plan Amendments
- Exhibit 2 Proposed and Existing Land Use Maps
- Exhibit 3 Proposed and Existing Zoning Maps
- Exhibit 4 Proposed Development Code Amendments
- Exhibit 5 History of Racist Land Use and Housing Practices in Beaverton
- Exhibit 6 Middle Housing Development Feasibility Memo
- Exhibit 7 Public Testimony Received as of April 29, 2022

Background and Summary

The Housing Options Project is helping the city determine where and how additional housing types will be allowed in Beaverton, including duplexes, triplexes, quadplexes, townhomes and cottage clusters. These uses are referred to as middle housing.

Figure 1: Middle housing example photographs

Accessory dwelling units

A second, small home on a lot with a single-detached house



Duplexes



Triplexes



Quadplexes



Townhomes

Single-detached homes that share a common wall



Cottage Clusters

Detached dwellings arranged around a shared courtyard.

The city has prepared proposed Development Code changes that would allow middle housing in neighborhoods that now have mostly one detached house on a lot, including the current R2, R4, R5, R7 and R10 zones.

The proposed code would replace the current R2, R4, R5, R7 and R10 zones with three new zones, Residential Mixed A, Residential Mixed B, and Residential Mixed C, abbreviated as RMA, RMB, and RMC. Single-detached homes and middle housing would be allowed in all the zones. The proposed zoning map is shown in Figure 2. Beaverton’s current zoning map can be found here: <https://gis.beavertonoregon.gov/BeavertonSearch>.

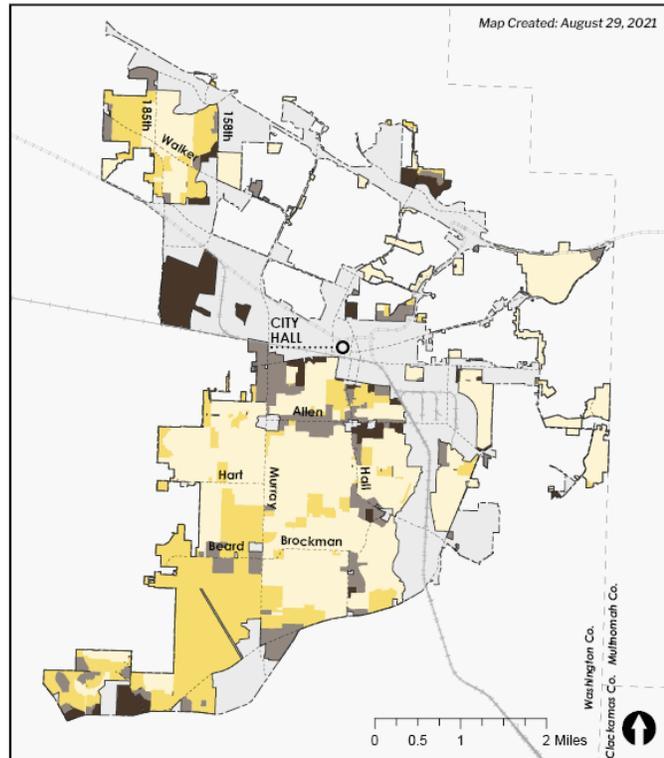
- R1 would stay pretty much the same and is renamed Multi-unit Residential, or MR
- R2 would become RMA.

- R4 and R5 would be merged into RMB.
- R7 and R10 would be merged into RMC.

Figure 2: Proposed zoning district boundaries

Legend

-  **MR** (Multi-unit Residential)
-  **RMA** (Residential Mixed A)
-  **RMB** (Residential Mixed B)
-  **RMC** (Residential Mixed C)

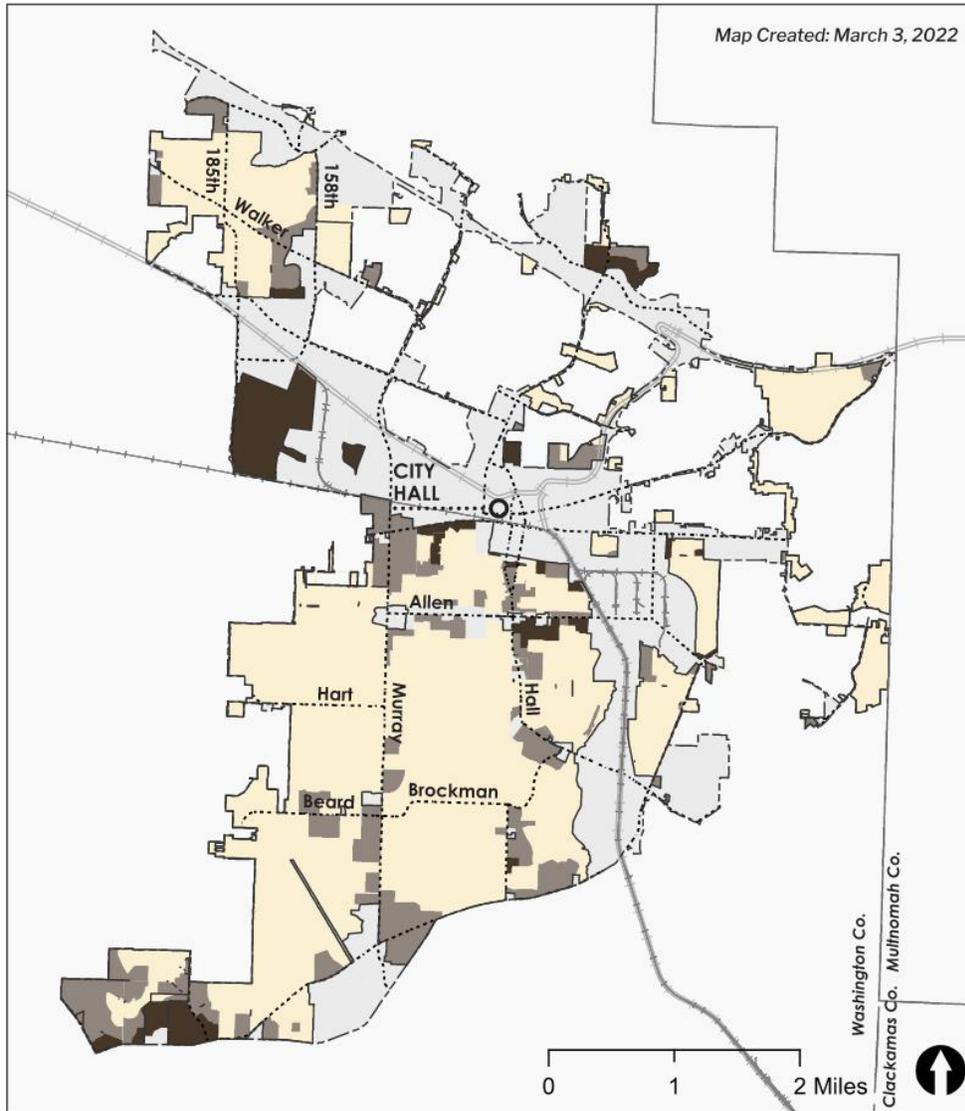


The Housing Options Project includes proposed Comprehensive Plan changes (Exhibit 1). The Comprehensive Plan includes the cities goals and policies that provide the future vision and development direction for the city.

The Comprehensive Plan includes a Land Use Map that designates land use districts for all lots in the city (Exhibit 2). Figure 3 shows the proposed land use designations for Beaverton’s residential areas, and the legend shows which zoning districts can be applied to properties inside each land use designation.

For each land use designation, the Comprehensive Plan identifies which zoning districts (zoning districts determine which development rules are applicable to properties) can be applied within that district. That is found in Chapter 3 of the Comprehensive Plan, which is the Land Use Element.

Figure 3: Proposed Comprehensive Plan Land Use Map for residential neighborhoods



Proposed Land Use Designations

-  High Density Neighborhoods
-  Medium Density Neighborhoods
-  Lower Density Neighborhoods
-  Commercial/Mixed Use/Industrial/
Employment, Interim Annexation Areas

Implementing Zoning Districts

- MR, Multi-Unit Residential
- RMA, Residential Mixed A; RMB, Residential Mixed B
- RMB, Residential Mixed B; RMC, Residential Mixed C



The proposed Comprehensive Plan changes related to land use designations and zoning districts include:

- o Deleting the “Low Density Neighborhoods” designation. R10 is currently the only implementing zoning district for this land use designation. Draft code changes propose to merge R10 with R7. They become RMC. RMC is an implementing zone for the proposed “Lower Density Neighborhoods” land use district. (Exhibit 3)
- o Renaming “Standard Density Neighborhoods” to “Lower Density Neighborhoods” and making the RMB and RMC zoning districts the implementing zones for that land use designation. This means either RMB or RMC can be applied in Lower Density Neighborhoods.
- o In Lower Density Neighborhoods, the proposed Comprehensive Plan amendments include a policy change that would say:

“The Lower Density Neighborhood designation may be applied in areas that are presently developed with predominately single-detached homes, have limited access to transit, and are not near a major intersection or highway interchange. Implementing zones within Lower Density Neighborhoods with higher minimum density may be applied relatively closer to transit, major intersections or highway interchanges, and implementing zones with lower minimum density may be applied farther from those areas.”

This will help decision-makers in the future decide whether to approve Comprehensive Plan Map and Zoning Map change requests in these areas.

- o For “Medium Density Neighborhoods,” making the implementing zoning districts RMA and RMB. This means either RMA or RMB can be applied in Medium Density Neighborhoods.
- o For “High Density Neighborhoods,” making the implementing zoning district Multi-unit Residential (MR), which is nearly identical to the current R1 zoning district.

Some of these changes are reflected in Table 1.

Table 1: Proposed Comprehensive Plan and Zoning Matrix changes

Comprehensive Plan and Zoning District Matrix

Comprehensive Plan Designation	Implementing Zoning Districts
Mixed Use Areas	



Downtown Regional Center	RC-E, Downtown Regional Center – East*
	RC-BC, Downtown Regional Center – Beaverton Central District*
	RC-OT, Downtown Regional Center – Old Town District*
	RC-DT, Downtown Regional Center – Downtown Transition District*
	RC-MU, Downtown Regional Center – Mixed Use District*
Town Centers	TC-HDR, Town Center – High Density Residential District
	TC-MU, Town Center – Multiple Use District
Station Communities	SC-E1, Station Community – Employment Sub Area 1 District
	SC-E3, Station Community – Employment Sub Area 3 District
	SC-HDR, Station Community – High Density Residential District
	SC-MU, Station Community – Multiple Use District
	SC-S, Station Community – Sunset District*
Mixed Use Corridors	CS, Community Service
	NS, Neighborhood Service
	MR, Multi-unit Residential
	RMA, Residential Mixed A
Commercial Centers and Corridors	
Regional Commercial	CC, Corridor Commercial
	CS, Community Service
	C-WS, Washington Square Regional Center – Commercial District*
	GC, General Commercial
Community Commercial	CC, Corridor Commercial
	CS, Community Service
	C-WS, Washington Square Regional Center – Commercial District*
Neighborhood Centers	NS, Neighborhood Service
	RMA, Residential Mixed A
	RMB, Residential Mixed B
Neighborhoods	
Lower Density Neighborhoods	RMB, Residential Mixed B
	RMC, Residential Mixed C
Medium Density Neighborhoods	RMA, Residential Mixed A
	RMB, Residential Mixed B
High Density Neighborhoods	MR, Multi-Unit Residential
Employment and Industrial Land	
Employment	OI, Office Industrial
	OI-NC, Office Industrial – Nike Campus*
	OI-WS, Washington Square Regional Center – Office Industrial



Industrial	District*
	IND, Industrial
	OI, Office Industrial

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Double-underline text is proposed for addition to the Comprehensive Plan.

The proposed Comprehensive Plan also includes revising which Washington County districts are considered similar to Beaverton’s, which comes into play when applying city Comprehensive Plan land use designations and zoning districts after annexations occur. Revisions are shown in Table 2.

The proposed amendments also include minor wording updates to reflect changes in the Development Code.

Table 2: Proposed changes to Land Use Element Table 1.5.2

Table 1, 1.5.2: Annexation-related plan and zone changes not requiring discretion (Type I CPA/ZMA Applications)

County Land Use District	City Comprehensive Plan Designation	City Zoning District
R-5, Residential 5 units/acre	Lower Density Neighborhoods (LDN)	RMC
R-6, Residential 6 units/acre; R-6 NB, North Bethany District	Lower Density Neighborhoods (LDN)	RMC
R-9, Residential 9 units/acre; R-9 NB, North Bethany District	Lower Density Neighborhoods (LDN)	RMC
R-15, Residential 15 units/acre; R-15 NB, North Bethany District	Medium Density Neighborhoods (MDN)	RMB
R-24, Residential 24 units/acre	Medium Density Neighborhoods (MDN)	RMA
TO: R9-12, Transit Oriented Residential District 9-12 units/acre	Medium Density Neighborhoods (MDN)	RMB
TO: R12-18, Transit Oriented Residential District 12-18 units/acre	Medium Density Neighborhoods (MDN)	RMA
TO:R24-40, Transit Oriented Residential ¹	Station Community (SC)	SC-HDR
TO:R24-40, Transit Oriented Residential ²	Town Center (TC)	TC-HDR



TO:R40-80, Transit Oriented Residential ¹	Station Community (SC)	SC-HDR
TO:R80-120, Transit Oriented Residential ¹	Station Community (SC)	SC-HDR
TO:RC, Transit Oriented Retail Commercial ^{1, 3}	Station Community (SC)	SC-MU
TO:BUS, Transit Oriented Business ²	Town Center (TC)	TC-MU
TO:BUS, Transit Oriented Business ¹	Station Community (SC)	SC-MU
TO:EMP, Transit Oriented Employment ¹	Station Community (SC)	SC-E1

~~Strikethrough~~ text is proposed for deletion from the Comprehensive Plan.

Double-underline text is proposed for addition to the Comprehensive Plan.

¹Applies to property located within a Metro designated Station Community Area

²Applies to property located within a Metro designated Town Center Area

³Unincorporated property zoned TO:RC located within a Metro designated Station Community Area which is entirely within 2,600 linear feet from a light railtransit platform.

The Development Code Updates in TA2022-0002 are in Exhibit 4 and summarized below.

Allowed housing variety (Section 20.05.20)

The proposed amendments would allow duplexes, triplexes, quadplexes, townhouses, and cottage clusters as permitted uses. The draft code language has new definitions for these uses in Chapter 90, and they appear in land use tables in Chapter 20 as well. The most significant changes are in Section 20.05.20. In addition, the draft code would remove single-detached homes as an allowed use in several multiple-use and commercial zones (NS, CS, CC, GC, RC-E, TC-MU, TC-HDR, SC-MU, and SC-HDR) because they are intended for multi-unit dwellings and so the zones do not have to comply with 2019’s House Bill 2001 (HB2001) that requires cities to allow middle housing in areas where single-detached homes are allowed.

Minimum lot sizes for all housing types (Table 20.05.15)

Minimum lot sizes in the draft code are low enough so most lots in Beaverton can accommodate multiple housing types. They also are lower than the current code.

Generally, the state does not allow us to regulate maximum density for lots that are zoned for the development of a detached single-detached dwelling, Since RMA, RMB and RMC



zones allow single-detached dwellings, then maximum density does not apply in these zones. However, if a lot is not zoned for the development of a detached single-family dwelling, then maximum density can apply. In the MR zone, single-detached dwellings were removed as an allowed use; therefore, maximum density could be applied to that zone.

In sum, MR regulates by minimum and maximum density, RMA regulates by minimum density and minimum land area (this zone allows two different approaches because it allows multi-dwelling structures with 5+ units, but it also allows single-detached dwellings, so maximum density cannot be used), and RMB and RMC regulate by minimum density only.

Staff shares this explanation to provide additional background on why in the RMA, RMB and RMC zones, the city intends to apply minimum lot size and minimum density instead.

State law also limits how large minimum lot sizes can be. The draft code has minimum lot sizes that are at or below the state’s caps on minimum lot size. The minimum lot sizes shown in Table 3 are in Chapter 20. For example, see Section 20.05.15.

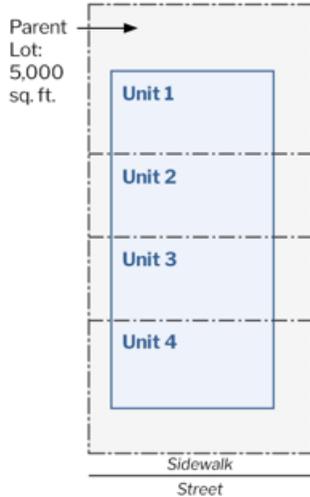
Table 3: Minimum lot sizes in square feet by zone and housing type

Proposed zone	Townhouse	Single-detached and duplex	Triplex and quadplex	Cottage cluster
Residential Mixed A (RMA)	1,100	1,500	3,000	7,000
Residential Mixed B (RMB)	1,300	3,000	4,000	7,000
Residential Mixed C (RMC)	1,500	5,000	5,000	7,000

Senate Bill 458, which became law in 2021, require cities to allow middle housing land divisions after middle housing is built. This is to make it easier for individual units to be sold rather than rented.

For example, a property owner could build a quadplex on a 5,000-square-foot lot in RMC and then create lots under the quadplex so that each unit and the land under it could be sold individually. See Figure 4. The lot sizes in Table 3 would apply to the original 5,000-square-foot lot (the “parent” lot) but would not apply to the lot divisions enabled by Senate Bill 458 (the “child” lots).

Figure 4: 'Child' lot land divisions allowed in proposed amendments



Minimum density (Table 20.05.15)

To ensure efficient use of land and to meeting housing needs identified in the city’s Housing Needs Analysis, the code changes include minimum density standards for the RMA, RMB and RMC zones. See Table 4.

Table 4: Minimum residential density by zone

Proposed zone	Replaces existing zone(s)	Minimum density
Residential Mixed A (RMA)	R2	17 units per acre
Residential Mixed B (RMB)	R4, R5	10 units per acre
Residential Mixed C (RMC)	R7, R10	7 units per acre

The minimum density changes are shown in Chapter 20 in Section 20.05.15. These changes mean that some existing single-detached homes on larger lots will not meet minimum density if they remain one home on one lot. For these existing single-detached homes, staff has proposed some allowances in Chapter 20 that allow property owners to build an addition, or if a home is destroyed, rebuild another single-detached home on that same lot.

One exception to Table 4 is multi-dwelling structures (five units and above) in RMA. Because five units or more are not regulated by HB2001, the draft code uses the same method that is in the current code (minimum land area of 2,000 square feet per dwelling unit) to calculate how many units must be on a lot if the property owner chooses to build a multi-dwelling structure.



Setbacks (Table 20.05.15)

The draft code reduces front and rear setbacks (minimum space required between lot lines and buildings on the lot) in RMA, RMB, and RMC to make it easier to fit a greater variety of housing types on a lot; to provide more flexibility for homeowners interested in different building configurations; to provide more space on a lot to support one-story homes, or homes with a kitchen, bathroom and bedroom on the lower floor; and to comply with recent changes in state law. State law prohibits Beaverton from requiring setbacks for duplexes, triplexes, quadplexes, townhouses and cottage clusters that are greater than those for single-detached homes in the same zone. Chapter 20, Section 20.05.15 includes the setbacks for RMA, RMB and RMC. They are shown in Table 5.

Table 5: Minimum setbacks for single-detached homes, duplexes, triplexes and quadplexes

Zone	Front	Rear	Side
Residential Mixed A (RMA)	10 feet	15 feet	5 feet
Residential Mixed B (RMB)	10 feet	15 feet	5 feet
Residential Mixed C (RMC)	10 feet	15 feet	5 feet

Additional setback rules in the draft code include:

- o Minimum side setbacks are 3 feet for a new land division created within RMA, RMB or RMC for the lot lines internal to the development. Side setbacks would remain 5 feet for the perimeter of the development.
- o For townhouses, the side setbacks are zero when units are attached.
- o For cottage clusters, perimeter setbacks are 10 feet because state law does not allow perimeter setbacks greater than 10 feet for cottage clusters.
- o For accessory dwelling units, the ADU can be as close as five feet from the rear lot line if it is a one-story building (maximum height of 15 feet).
- o Reduced yard setbacks have been deleted from 20.05.15 Residential Site Development Standards because the draft code provides yard setback flexibility.

Scale and bulk limitations (Table 20.05.15)

The proposed amendments limit bulk through maximum floor area ratios (FAR) in Section 20.05.15. Floor Area Ratio is the square footage of the floors inside a building or buildings on a lot divided by the square footage of the lot.

State law allows bulk and volume limitations for duplexes, triplexes, quadplexes, and other housing types if those same limitations apply to single-detached homes. In some cases,



such as for duplexes, triplexes and quadplexes, the rules can be the same as or less restrictive than the rules for single-detached homes.

In Chapter 20, Section 20.05.15, the proposed amendments include FAR limits for single-detached homes and allows higher FAR limits for other housing types.

Floor area limitations would be large enough to accommodate housing types like triplexes and quadplexes (with reasonably sized units) but limit their size to be more consistent with neighborhood scale and bulk.

Table 6: Maximum floor area ratio by zone and housing type

Zone	Single-detached home	Duplex	Triplex and Quadplex
Residential Mixed A (RMA)	1.4	1.6	1.6
Residential Mixed B (RMB)	0.8	0.9	1.2
Residential Mixed C (RMC)	0.6	0.65	0.9

Additional floor area above the proposed FAR maximum would be possible if property owners preserve existing trees on-site. FAR maximums are not proposed for townhouses or cottage clusters. Chapter 90 definitions for “floor area” and “floor area maximum” are proposed to be updated.

The proposed amendments include additional height limitations at the front and/or rear of lots in some situations to encourage new buildings to respond to the scale and form of existing neighborhoods. Chapter 20 proposed amendments include code language for building heights. The regular height limits are in the table below.

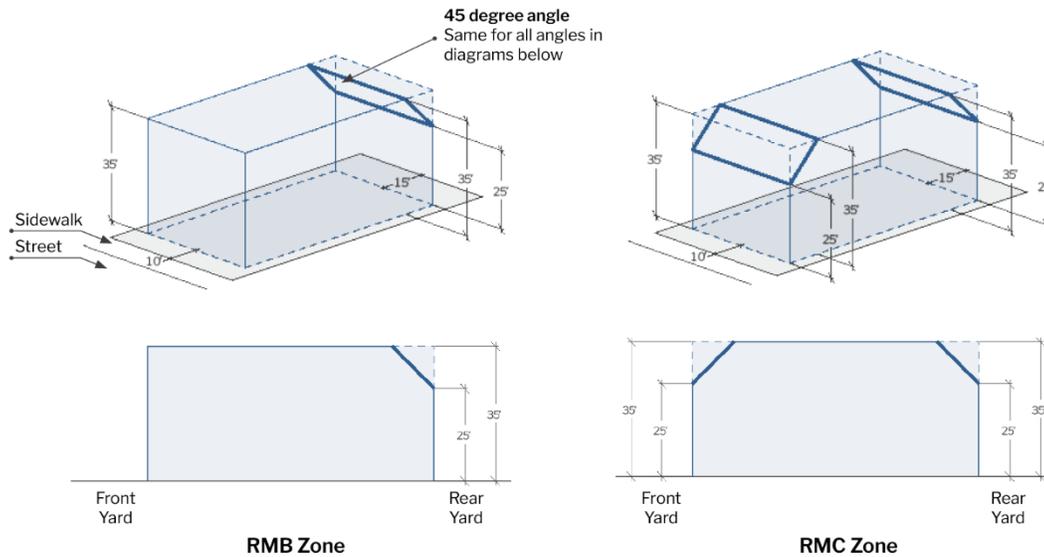
Table 7: Building height maximums by housing type

Housing type	RMA	RMB	RMC
Single-detached, duplex, triplex and quadplex	40 feet	35 feet	35 feet
Townhouse	40 feet	35 feet	35 feet
Cottage cluster	25 feet	25 feet	25 feet

In RMB and RMC additional height limitations are proposed to apply at the front and/or rear setback line for single-detached homes, duplexes, triplexes and quadplexes. For both zones, the maximum building height at the rear setback line is proposed to be 25 feet. In RMB, height limit would increase from the rear setback and a 45-degree angle until it reached the maximum height of 35 feet. In RMC, the height limit at both the rear and front

setbacks is proposed to be 25 feet, and the maximum height would increase at a 45-degree angle from both the front and rear until it reached the maximum height of 35 feet. This is illustrated in Figure 5.

Figure 5: Additional building height limitations in RMB and RMC



Establish minimum off-street parking (Section 60.30)

Off-street parking requirements establish the minimum number of spaces that must be included on the lot for car storage when development occurs. The proposed amendments, in Section 60.30, include reduced off-street parking requirements in part because there is significant and urgent need for housing and a greater variety of housing in the city. The proposed amendments also must be consistent with state law, which caps minimum parking requirements at one space per unit at the most – and for some housing types on some lot sizes even lower. Proposed minimum off-street parking spaces are in Table 8.

Table 8: Minimum parking spaces required by housing type

Housing type	Minimum spaces per housing type (unless otherwise indicated)
Accessory dwelling unit	0
Single-detached dwelling	1
Duplex	2
Townhouse	1



Triplex or Quadplex on lots less than 3,000 square feet	1
Triplex or Quadplex on lots equal to or greater than 3,000 but less 5,000 square feet	2
Triplex on lots 5,000 square feet or greater	3
Quadplex on lots equal to or greater than 5,000 but less 7,000 square feet	3
Quadplex on lots 7,000 square feet or greater	4
Cottage clusters (per cottage)	1

The proposed amendments allow the minimum parking spaces required in the table above to be reduced via on-street parking credits. The maximum reduction available with on-street credits would be one space per duplex, two spaces for triplexes and quadplexes, and one space per three cottages for cottage clusters. Single-detached homes and townhouses are not eligible for on-street credits.

Design standards and guidelines for single-detached dwellings and middle housing (Section 60.05.60)

The draft code proposes design standards for single-detached homes and middle housing. These standards are organized by housing type and cover topics such as:

- Single-Detached Dwellings, Duplexes, Triplexes, and Quadplexes
 - Entries, location
 - Windows, percentage facing street
 - Outdoor open area, minimum requirements by lot size and design requirements
 - Tree planting, tree preservation and planting standards, with fee in lieu option for planting
 - Garages and off-street parking areas, limit on percentage along street frontage
 - Driveway location and driveway approaches
 - Solid waste facilities
- Townhouse standards
 - Same topics as required for single-detached and plexes, in addition to maximum number of units in a structure and driveway access standards
- Cottage cluster standards

- Same topics as required for single-detached and plexes, in addition to:
 - Maximum number of dwellings
 - Building footprint maximum
 - Cottage orientation
 - Courtyard design
 - Community building design requirements
 - Pedestrian access standards
 - Parking design standards

The proposed amendments include design standards that would be reviewed through a Type 1 process, which is a Planning Director decision (staff review) with no public notice requirement. Some standards also have more flexible, discretionary reviews available, both Type 2 (staff review with public notice required) and Type 3 (Planning Commission review with public notice and a public hearing required). Most reviews would be Type 1. Staff expects few applications to be decided by the Planning Commission. The discretionary processes would be used if applicants elect to vary from the design standards, such as to address site constraints or explore more innovative approaches to middle housing.

Solar Access Standards (Section 60.45)

The proposed amendments would delete the solar access protection standards, which currently only apply to the R5, R7 and R10 zones. Although promoting solar energy production is desirable, this section of code was written with exclusively single-detached dwellings in mind and there is no practical way to apply them to the mix of housing types allowed in the RMA, RMB and RMC zones. It also would take significant work to determine how to make them entirely clear and objective and compliant with state laws regarding middle housing and middle housing land divisions.

Projections into Required Yards. (60.50.15)

The proposed amendments allow decks to project into the rear setback in RMB and RMC if the deck is at least 5 feet from the property line and the maximum deck height measured to the top of the railing is 20 feet. Decks are a frequent reason property owners request flexible setbacks. Flexible setbacks were deleted from Chapter 20, so this provision was added to address the frequent requests for decks in the rear setback. Rear setbacks are proposed to be 15 feet in RMB and RMC.



Buffers (Table 60.05.2)

The proposed amendments include revisions to the buffer table to update the zone names. The proposals also scale back when buffers are required to reflect that RMA, RMB, and RMC all allow a variety of housing types and are no longer exclusively or mostly intended for single-detached dwellings

Manufactured Home (Section 60.20.20)

The proposed amendments revise manufactured home regulations to ensure the rules are consistent with state law, manufactured homes generally are treated the same as single-detached dwellings where appropriate, and the manufactured homes are a viable choice for middle housing (to be part of a duplex, triplex, quadplex or cottage cluster).

The proposed amendments remove design requirements that are not applied to single-detached housing, not clear and objective, or that could unnecessarily increase the cost of manufactured homes (such as size requirements that prevent smaller units or requiring an added garage or carport). The proposed code does retain a few provisions specifically allowed in state law, including the excavated and back-filled foundation with an enclosed perimeter, the thermal envelope requirement and the restriction on manufactured homes abutting a historic district or landmark.

Although manufactured homes can be used as part of middle housing, the Development Code (and state law) define manufactured home parks as sites with four or more manufactured homes. Therefore, once more than three manufactured homes are placed on a site, it becomes a manufactured home park and would have to be consistent with standards for a park.

Approach for Planned Unit Developments (Section 60.35)

This section needs to be updated because it is not compliant with state law, which requires clear and objective standards for housing. It also does not comply with House Bill 2001, which generally requires review processes for middle housing that do not cause unreasonable cost or delay. The draft code has been updated to:

- Remove the requirement that developments larger than 10 acres in South Cooper Mountain go through the discretionary Planned Unit Development process. This is not compliant with state law because it does not provide a clear and objective path for approval of housing.
- Update the Planned Unit Development section to mesh with the new standards in RMA, RMB, and RMC.

- Establish clear and objective standards for South Cooper Mountain that ensure the city can implement the most essential elements of the South Cooper Mountain Community Plan. The standards will address topics such as street connections, trails, and open space requirements.

The proposed amendments also include other changes needed to implement housing variety, clarify provisions or otherwise improve the Development Code related to the Housing Options Project.

Racial Equity Analysis

Throughout this project, staff used a racial equity toolkit, developed by the Government Alliance on Race and Equity (GARE), to help develop equitable housing strategies that reduce racial inequities and improve success for all communities. These strategies were codified in the preferred approach, which was then used to draft amendments to the Comprehensive Plan and Development Code.

The toolkit included steps such as researching the racist history of land use and housing practices in Beaverton (Exhibit 5), studying existing racial inequities; identifying desired outcomes; considering the impact of new housing policies in specific geographic areas; prioritizing engagement with communities of color, low-income workers and renters; and evaluating whether proposals are likely to produce desired outcomes.

Exhibit 5 provides additional information regarding the racist history of land use and housing practices in Beaverton from the 1840s to the 1980s. This memo explores Beaverton's planning and development history, including racism, segregation, discrimination and fair housing issues, to better inform various projects that aim to reduce inequities for historically marginalized groups.

Additional examples of racial equity analysis can be found on the Housing Option Project's website: www.beavertonoregon.gov/HOP

They include:

- An Online Open House from the Alternatives phase, which is no longer open to public comment but still available as a reference, that explores present day segregation patterns in Beaverton.
- A Covenants, Conditions and Restrictions (CC&Rs) Memo, which provides background information regarding how CC&Rs can limit where additional housing types can be built in Beaverton. House Bill 2001 requires Beaverton to allow duplexes, triplexes, quadplexes, townhouses and cottage clusters on most lots where single-detached homes are allowed in the city. Many Beaverton



neighborhoods have existing CC&Rs that prohibit more than one unit on a lot. This could prevent middle housing. The city does not enforce these restrictions. These are contracts among neighbors.

- A Middle Housing Development Feasibility and Displacement Risk Analysis Memo, completed by ECONorthwest in July 2021, which explores racial equity considerations for the Alternatives phase, including which options might be more likely to provide low-cost rental units, attainable homeownership opportunities, family-friendly options (homes with at least two bedrooms), and multigenerational living options, as well as which areas of the city might be more vulnerable to displacement risk. (Exhibit 6)
- Frequently asked questions about why the city is centering race and equity in the Housing Options Project, and how this work is being done.

With respect to community engagement, an equitable approach meant prioritizing engagement with communities most likely to benefit from more diverse housing options for many reasons, including but not limited to a history of racial segregation and racist housing practices, the fact that many communities of color are more likely to be cost-burdened (pay a large percentage of their income for housing), and the need to accommodate larger families and/or multigenerational living. A snapshot of public engagement efforts is below:

- **Engagement activities** included community meetings that aimed to understand community-specific issues and priorities with renters, immigrants, and communities of color; a Farmer's Market tabling event; interviews with affordable housing developers, homebuilders, and advocacy groups; advisory groups and committees; a virtual open house in English and Spanish; and surveys in English and Spanish.
- **Communities of Color engaged** include African; Arabic, Kurdish, and Middle Eastern; Black/African American; Asian and South Asian, Latinx and Chicano, Middle Eastern and North African; Native American; and Slavic.
- **Demographics engaged** include formerly houseless persons; renters, including low-income families with Section 8 vouchers as well as market-rate renters; homeowners; recent immigrants; multigenerational families; single parent households; young adults and older adults; male, female and nonbinary participants; gay, lesbian and transgender participants; and people with mobility issues.
- **Translated materials:** Arabic, Spanish and Thai.
- **Interpretation during meetings:** Farsi, Spanish and Thai.

There were some engagement themes where there has been more agreement among diverse communities, including communities of color, immigrants, refugees, and white residents; renters and homeowners; low-income earners and high-income earners, single parent households; multigenerational families; young adults and older adults; people with

mobility issues; current Beaverton residents that love living here or are considering moving away from Beaverton; and people that would like to move to Beaverton but cannot find affordable housing. In sum, these themes resonated with many people whose housing needs, lived experiences, and financial capacity might be different, and they include:

- **New housing should build community.** Many people thought that new housing should build community (such as by promoting more opportunities where neighbors and friends can spend time together), but to do it successfully depends upon the right balance of housing, people and open space.
- **Access to nature is important for our physical and mental wellbeing.** This next theme partially overlaps with the previous theme because both rely on open space to provide benefits. However, access to nature is called out as an independent theme because many people commented on the importance of open space, trees, and clean air to provide physical and mental health benefits for children and adults. Specifically, many people expressed concerns about the loss of tree canopy, regardless of whether they supported housing variety in neighborhoods.
- **New rules should allow flexibility.** A recurring theme is that many people just want more flexibility with what they could do with their property. This include could more flexible setbacks, height maximums, building orientations, off-street parking maximums, and smaller homes that can grow over time.
- **Affordability matters more than housing type or location.** For many people, including renters and homeowners concerned about the housing crisis, affordability is one of the most important issues, and it deserves immediate attention.
- **We need more low-cost homeownership opportunities.** This next theme partially overlaps with the previous theme, but it is called out because many people indicated that they don't just want more affordable rentals. They want to buy their first home, and rising housing costs have made this unattainable for many individuals and families. Some people mentioned that they though smaller homes on smaller lots might present more attainable housing options.
- **Mixed-income, mixed race communities are more welcoming.** In discussions about where new housing types might be allowed, or which housing types might be more prevalent, people expressed reservations and hope for these opportunities. One concern, especially among communities of color, is that some of these housing types will only be built in certain areas, denying children who grow up in these areas opportunities that are more readily available in mixed-income, mixed-race communities. But the idea that these housing types truly could be integrated is what inspires many others.

- **Families of color are more often multigenerational, which shapes housing preferences.** A strong theme among many participants is that newer housing types should have at least two or three bedrooms to support multigenerational living. And many participants, including people of color and white respondents, indicated that this is especially important for families of color that are more likely to prefer multigenerational living for many reasons.
- **Accessible homes should be encouraged or incentivized.** A universal theme among a lot of participants is the need for more accessible housing. Some people are looking to downsize and would like a smaller, accessible home in their community, but simply can't find one.
- **Climate change should transform how we build homes and communities.** Concerned about the effects of climate change, many people thought that the city should prioritize long-term needs over short-term concerns. What world will we leave our children in 50-75 years?

Specific concerns include the fact that increased impervious coverage, either from large buildings or lots with wide driveways, big garages and surface parking, would contribute to the urban heat island effect, especially if trees are removed to build more homes and parking, and increase the need for stormwater management.

Issues where most community members are not in agreement include:

- **Off-street parking requirements.** Some respondents prefer to eliminate off-street parking requirements or create off-street parking maximums for environmental reasons, indicating that the city needs to move away from a car-centric culture. Others recognized that more people would drive electric cars soon, and they will need access to convenient and reliable electric vehicle-ready (EV-ready) parking spaces, preferably on-site. And some would like to maximize off-street parking requirements, indicating that they do not like on-street parking.
- **Where should new housing be allowed?** Some community members wish to maintain single-family zoning, and expressed an interest in separating homes that can be owned from rental properties. Based on demographic responses, this viewpoint is held among primarily among homeowners.

That said, there are many homeowners who also think that new housing types should be allowed in all residential neighborhoods (citing rising housing prices and fewer opportunities for first-time homebuyers as reasons). For many of these respondents, their concerns were less about *where* new housing is allowed, and more about *how* new housing is allowed (establishing limitations on building size, reasonable setbacks, height limitations and design standards made many people

more open to middle housing). Regardless of these positions, state law requires that the city allow housing variety in all neighborhoods.

Homebuilder and Developer Feedback

In the past three years, staff also interviewed market-rate developers, affordable housing developers, homebuilders and architects to discuss priorities, concerns and feedback regarding housing strategies. Key findings are summarized below.

- **Some homebuilders and developers prefer building housing types that resemble single-detached homes**, such as townhouses and cottage clusters. Generally, there is a perceived risk with building other housing types, such as plexes, and some developers prefer to stay within their niche.
- **Some homebuilders and developers consider other factors before deciding what to build. In other words**, housing types is not an important consideration for these developers. For some, minimum lot size, access to transit, neighborhood amenities, neighborhood sales prices, and off-street parking requirements are more important considerations than type of housing or numbers of units.
- **Flexible development standards would encourage more homebuilders and developers to build plexes**, including smaller lots for some housing types, 5–10-foot setbacks, reduced off-street parking requirements, the option to plant new trees instead of preserving existing trees, moderate bulk and size standards (such as FAR and lot coverage) that allow reasonably sized units, and flexible design standards.
- **Some qualities make some housing types more expensive**, including stacked housing types, garages, System Development Charge (SDCs), extensive land use review timelines, and high land costs.
- **Some qualities make some housing types less expensive**, including side-by-side construction, smaller home sizes, more units allowed on one site, reduced or no parking requirements, expedited land use review timelines and lower land costs.
- **Some developers think the city should eliminate off-street parking requirements, some think the city should require a little parking, some think the city should maximize parking**, and others think the city should require parking in some situations, depending upon neighborhood context (street width, access to transit), lot width (small lots may not have enough frontage for off-street parking) or market conditions.
- **Some developers support outdoor open area requirements because it helps strengthen community relations, some thinks it depends upon the housing type**,



some thought the city should not require an outdoor open area with middle housing, and others thought it depends on if the units will be rented or owned, because they assumed that renters are willing to walk more, but homeowners will not be willing to walk because they want more amenities on site.

- **Some developers are open to bulk and size standards if the city can right size them, or if they result in more affordable homes; others support bulk and size standards for large lots, but not small lots; some think they are too restrictive;** and others think they do not address community priorities such as concerns about taller homes in neighborhoods, or newer homes whose design does not match architectural styles in the neighborhood.
- **Some developers support design standards because they help newer homes match the size, scale and design of existing homes in the neighborhood better than FAR. Other developers oppose design standards** because, in their opinion, they rarely make homes more attractive.



CPA2022-0004 COMPREHENSIVE PLAN AMENDMENT ANALYSIS AND FINDINGS

CPA2022-0004 Comprehensive Plan Amendment Procedures and Approval Criteria

Section 1.1.1 establishes procedures for city-initiated amendments of the Comprehensive Plan, stating that amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing or City Council consideration. The Planning Commission and City Council have the right to accept, reject or modify any specific request for amendments in accordance with the city's policies and procedures.

Section 1.3 identifies legislative amendments to the Comprehensive Plan text or map as those having a generalized nature that are initiated by the city, and which apply to an entire land use map category or a large number of individuals or properties, or that establish or modify policy or procedure. Legislative amendments include additions or deletions of text or land use map categories.

Section 1.4.1 establishes the notice requirements for legislative amendments including: inter-agency notice of the initial hearing to the Department of Land Conservation and Development (DLCD), as well as to Neighborhood Association Committees (NACs) and Beaverton Committee for Community Involvement (BCCI); publication in a newspaper of general circulation; posting in Beaverton City Hall and the Beaverton City Library; and posting on the city's website.

FINDING:

CPA2022-0004 was initiated by the City of Beaverton Community Development Director. The legislative amendments proposed are of a generalized nature that apply to all properties within the "Neighborhoods" land use category in the Land Use Element of the Comprehensive Plan. The proposed amendments also make other changes to the Comprehensive Plan that are potentially applicable citywide. Consistent with procedures outlined in the Beaverton Comprehensive Plan, notice of the proposed amendment was sent to all NAC chairs, the Chair of the BCCI, Washington County's Department of Land Use and Transportation, Metro, and DLCD. Copies of the hearing notice were posted at City Hall and the City Library and published in the newspaper, consistent with noticing requirements. A notice was also posted on the city's website. Mailing to affected property owners was



completed on or after April 4 but prior to May 11. Findings related to Section 1.5.1 of the Comprehensive Plan are provided below.

Conclusion: Staff finds the criteria are met.

Section 1.5.1 outlines the criteria for legislative amendment decisions. The findings are found below.

Section 1.5.1.A.1

The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules.

FINDING:

Of the 19 Statewide Planning Goals, staff finds that the following goals are directly relevant to the proposed amendment: Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), Goal 10 (Housing), and Goal 12 (Transportation), and Goal 13 (Energy Conservation).

Goal 1 Citizen Involvement

Goal text: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process. The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues. Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

Finding: The Beaverton Citizen Involvement Program adopted by Resolution 2229 in 1980 established a formalized public participation program that provides a method by which the Beaverton Committee for Community Involvement (as renamed in Ordinance 4624 signed in 2013) and other community members can communicate their opinions and inquiries about city matters, including the planning process. The proposed amendment is subject to the public notice requirements of the Comprehensive Plan. At the public hearing, the Planning Commission will consider written or oral testimony before making a recommendation to City Council.



Consistent with procedures outlined in the Beaverton Comprehensive Plan, notice of the proposed amendment was sent to all NAC chairs, the Chair of the BCCI, Washington County's Department of Land Use and Transportation, Metro, and DLCD. Copies of the hearing notice were posted at City Hall and the City Library and published in the newspaper, consistent with noticing requirements. A notice was also posted on the city's website. Mailed notice also was sent to more than 24,000 property owner addresses to notify property owners where the proposed amendments affect allowed land uses.

Throughout this project, staff used a racial equity toolkit, developed by the Government Alliance on Race and Equity (GARE), to help develop housing strategies that reduce racial inequities and improve success for all communities.

This involved prioritizing engagement with communities most likely to benefit from more diverse housing options for many reasons, including but not limited to a history of racial segregation and racist housing practices, the fact that many communities of color are more likely to be cost-burdened (pay a large percentage of their income for housing), and the need to accommodate larger families and/or multigenerational living.

A snapshot of public engagement efforts is below:

- **Engagement activities** included community meetings that aimed to understand community-specific issues and priorities with renters, immigrants, and communities of color; a Farmer's Market tabling event; interviews with affordable housing providers, homebuilders, and advocacy groups; advisory groups and committees; a virtual open house in English and Spanish; and surveys in English and Spanish.
- **Communities of Color engaged** include African; Arabic, Kurdish, and Middle Eastern; Black/African American; Asian and South Asian, Latinx and Chicano, Middle Eastern and North African; Native American; and Slavic.
- **Demographics engaged** include formerly houseless persons; renters, including low-income families with Section 8 vouchers as well as market-rate renters; homeowners; recent immigrants; multigenerational families; single parent households; young adults and older adults; male, female and nonbinary participants; gay, lesbian and transgender participants; and people with mobility issues.
- **Translated materials:** Arabic, Spanish and Thai.
- **Interpretation during meetings:** Farsi, Spanish and Thai.



Conclusion: Therefore, staff finds the city has provided adequate notice and opportunity for public involvement consistent with Goal 1.

Goal 2 Land Use Planning:

Goal text: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

Finding: Changes to the Beaverton Comprehensive Plan require a Type 4 review process, which includes noticing and a public comment period, prior to a hearing before the Planning Commission. The hearing is open to the public and includes an opportunity to receive public testimony. At the conclusion of the hearing, the Planning Commission can continue the hearing to a later date, keep the record open for more information, or make a recommendation to the City Council, the ultimate decision-making authority. Prior to adoption of the Comprehensive Plan amendments, the City Council will consider all the evidence in the record, including any testimony provided at the Planning Commission hearing and any recommended changes to the proposal.

The proposed Comprehensive Plan amendment fits within the established process and framework. The findings contained within this report establish an adequate factual basis for the proposal.

Conclusion: Therefore, staff finds the Comprehensive Plan amendment is consistent with Goal 2.

Goal 10 Housing:

Goal text: To provide for the housing needs of the citizens of the state.

Finding: Beaverton's Housing Needs Analysis (HNA) was published in October 2015. It demonstrated a need for all housing types in the 20-year period ending in 2035. This was true for both the current Beaverton city limits as well as the city limits plus the assumed urban service area, which is an area where it is assumed Beaverton will provide governance in the future. The state Department of Land Conservation and Development (DLCD) found it to be consistent with the requirements of Statewide Planning Goal 10.

See Table 9 for the number of housing units projected to be needed.

Table 9: Projected Future Need for New Housing Units (2035)

	SF detached	SF attached	Duplex	3 or 4 units	5+ units
Current city limits (2015)	5,767	1,542	295	718	3,866
City limits plus assumed urban service boundary	14,001	2,626	958	2,107	7,999

Source: Beaverton Housing Needs Analysis (part of the city’s Housing Strategies Report) Figure 5.3 and Figure 10.3. <https://www.beavertonoregon.gov/DocumentCenter/View/10322>. Accessed April 14, 2020.

Based on the findings in Beaverton’s Housing Strategies Report in Volume II of the Comprehensive Plan, which includes the city’s Buildable Lands Inventory and Housing Needs Analysis, Beaverton updated its Comprehensive Plan’s Housing Element and Land Use Element to address the identified housing needs. DLCD also found these Comprehensive Plan changes consistent with the Statewide Planning Goals. In addition, the city successfully applied for an Urban Growth Boundary expansion in 2018 and is currently planning for the 1,200-acre Cooper Mountain expansion area. Metro approved the urban growth boundary expansion with the requirement that it accommodate at least 3,760 housing units and the future zoning allow middle housing in all zones.

The proposed Comprehensive Plan amendments comply with House Bill 2001, which requires the city to allow middle housing in residential districts that allow single-detached homes. Beaverton’s TA2022-0002 includes Development Code amendments that comply with that law. Those Development Code amendments in general will allow duplexes, triplexes, quadplexes, townhomes, and cottage clusters in zoning districts where the current code does not allow middle housing or only allows it in limited circumstances. This will increase the number of units that could be allowed on thousands of lots within the cities, although the number of additional units that would be produced is not known. The city has just started a Housing Needs Analysis and Housing Production Strategy project to determine the city’s future housing needs and identify how many housing units the city can expect to produce with current zoning and with the TA2022-0002 Development Code amendment.

This Comprehensive Plan amendment supports the Development Code amendment and Zoning Map amendment to allow middle housing. Specifically, as shown Figure 3 in the background section above, the amendment:

- Proposed to delete the “Low Density Neighborhoods” designation. R10 is currently the only implementing zoning district for this land use designation. Draft code changes propose to merge R10 with R7. They become RMC. RMC is an implementing zone for the proposed “Lower Density Neighborhoods” land use district.
- Proposed to rename “Standard Density Neighborhoods” to “Lower Density Neighborhoods” and makes the RMB and RMC zoning districts the implementing zones for that land use designation. This means either RMB or RMC could be applied in Lower Density Neighborhoods. One effect of this proposal would be that property owners in the proposed RMC zone can apply for a zone change to RMB, which requires and allows more density, if they meet the criteria.
- For “Medium Density Neighborhoods,” proposes to make the implementing zoning districts RMA and RMB. This means either RMA or RMB could be applied in Medium Density Neighborhoods. One effect of this proposal is that property owners in the proposed RMB zone could apply for a zone change to RMA, which requires and allows more density, if they meet the criteria.
- For “High Density Neighborhoods,” proposes to make the implementing zoning district Multi-unit Residential (MR), which is nearly identical to the current R1 zoning district, with the exception that new single-detached homes are no longer allowed, although existing single-detached homes are permitted and can be rebuilt if destroyed.
 - HB2001 requires that local governments “consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to”¹ waiving or deferred system development charges; adopting property tax exemptions; and assessing a construction excise tax. The city has considered those methods and others and will again as Council goes through a series of Housing Talks in 2022 that will include strategies to increase affordable housing that will inform the state-mandated Housing Production Strategy work in the next year:
- Construction Excise Tax: The City’s Housing Five-Year Action Plan lists “Explore a Construction Excise Tax on new development” as a goal to establish a dedicated affordable housing funding source. The action plan was approved by the City Council. The funding source also was discussed during Council meetings on April 24, 2018, and Nov. 12, 2019. In 2022, the City Council approved its Fiscal Year 2022/23 – Fiscal Year 2023/24 Council Priorities Workplan. Among the Strategic Goals & Work Plan Priorities approved by the City Council as part of that Council Priorities Workplan is “Affordable Housing,” which includes a call to determine if a Construction Excise tax should be established to provide a dedicated fund for

affordable housing. Beaverton also will consider this question as Council goes through a series of Housing Talks that will include strategies to increase affordable housing which will inform its Housing Production Strategy to comply with state administrative rules related to 2019's House Bill 2003.

- o SDC waivers: Beaverton sets SDC rates for water service within its service area. (Parts of Beaverton are served by the Tualatin Valley Water District, Raleigh Water District and West Slope Water District.) City water SDCs are based on meter size, which means they scale according to the size of development. A supplemental transportation system development charge for the South Cooper Mountain area, which was established to pay for infrastructure to develop that urban growth boundary expansion area, is controlled by the city but it is only for a small part of the city. Other SDCs are determined by other service providers, including:
 - o Clean Water Services (sewer and stormwater). Beaverton is currently negotiating a new intergovernmental agreement with Clean Water Services, and rates and charges are one of the topics to be addressed.
 - o Tualatin Hills Park & Recreation District (parks, recreation, trails and natural areas). The park district recently revised its SDC methodology which includes 50 percent reduction for regulated affordable housing restricted at 60 percent Area Median Income (AMI) or below, and 100 percent reduction for regulated affordable units restricted at 30percent AMI or below.
 - o Washington County (transportation through the Traffic Development Tax (TDT), which is not an SDC but instead is a tax approved by Washington County voters. Methodology change requires voter approval.

On December 4, 2018, Beaverton Council passed a Resolution to provide limited SDC assistance to proposed affordable housing projects.

- o Property tax exemptions: Beaverton has an existing property tax exemption for affordable housing enabled by ORS 307.540-548. It is for nonprofit housing providers that serve residents earning below 60 percent of the area median income and below 80 percent of the area median income in their second and subsequent years of tenancy. The program is structured to exempt qualifying affordable housing projects from property taxes levied by all governments and special districts that have taxing authority over the property. This results in a cost savings that can be passed on to qualified residents in the form of lower rents. The most recent year involved applications from 10 projects with 678 units.

Conclusion: Therefore, staff finds the Comprehensive Plan amendment is consistent with Goal 10.

Goal 12 Transportation

Goal text: To provide and encourage a safe, convenient, and economic transportation system.

Finding: No findings are necessary regarding Goal 12 because ORS 197.758 Sec. 3 (5) says: “When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility. [2019 c.639 §3].” CPA2022-0004, TA 2022-0002, and ZMA 2022-0004 are legislative proposals to amend the city’s Comprehensive Plan, Development Code, and Zoning Map to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings. TA 2022-0002 also removed single-detached dwellings as an allowed use in some zones, but single-detached homes are lower trip generators than other uses in those zones and the reasonable worst-case scenario for traffic generation will remain unchanged. The proposed amendments in those zones will have no significant effect on the transportation system.

Conclusion: Therefore, staff finds the Comprehensive Plan amendment is consistent with Goal 12.

Goal 13 Energy Conservation:

Goal text: To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

Finding: The city’s Comprehensive Plan has goals and policies related to energy conservation in Chapter 7 that are not proposed to change. They are:

- 7.5.1 Development projects and patterns in the City that result in reduced energy consumption
- 7.5.2 Increased use of solar energy and other renewable energy resources in new development in the City.

The Development Code amendments delete the city’s solar access protection standards, which currently only apply to the R5, R7 and R10 zones. This section of code was written to ensure solar access to single-detached dwellings, and there is no practical way to apply the standards to the mix of housing types allowed in the

proposed RMA, RMB and RMC zones. It also would take significant work to determine how to make them entirely clear and objective and compliant with state laws regarding middle housing and middle housing land divisions. Issues include:

- Solar access standards in the section proposed for deletion are calibrated for single homes on larger lots. For example, some provisions limit development on a certain portion of the lot, which might not be an issue on a 7,000-square-foot lot but likely would be more of a constraint on lots between 2,000 square feet and 5,000 square feet that are allowed in many locations in RMA, RMB and RMC. Those limitations might mean there is not enough room for a duplex, triplex, quadplex on smaller lots where outdoor open space and parking are required.
- Not all provisions use clear and objective standards, including Section 60.45.10.5.B, which is proposed for deletion, that requires a judgement about “significant development amenities” and “significant diminution in the market value.”
- Many of the provisions could cause “unreasonable cost or delay” for middle housing, which state law does not allow.
- As the code is written, a large percentage of lots would be exempted because the code assumes a “shadow pattern” from districts that are not single-family residential zones, which includes RMA, RMB and RMC. The shadow pattern is the area “from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.” That means the shadow is assumed to be a 35-foot-tall or 40-foot-tall building at the abutting properties’ setbacks, which would generate large shadows on many lots and make them exempt from the requirements.
- State law (Senate Bill 458 from 2021) requires cities to allow middle housing land divisions to facilitate fee-simple sales of middle housing. For example, a property could build a duplex and then create “child lots” under each duplex so the units could be sold rather than rented. State law does not allow the city to apply many of the solar access standards to those lots.

In summary, the standards designed for single-detached houses on larger lots are not applicable to zones where a mix of housing types and smaller lot sizes are allowed.

The proposed amendments in TA 2022-0002 do include the following provisions to support energy conservation, including:



- Allowing more types of housing and more housing units on vacant land within the city and on properties that could redevelop to add units.
- Allowing smaller lots, a variety of minimum lot sizes for different housing types, and minimum densities to ensure efficient use of the land and allow the creation of smaller units that tend to use less energy than larger units.
- Requiring adequate setbacks to ensure the availability of light, wind and air, including 15-foot rear setbacks and 10-foot front setbacks. Site design standards also require outdoor open area and tree planting in most situations. The code also allows larger buildings if trees preserved on the site.
- Incorporating site design requirements that require developments to provide space for solid waste and recycling containers to promote recycling.
- Allowing duplexes, triplexes and quadplexes to be detached, which provides the opportunity for each unit to install its own renewable energy systems, or attached, which has the benefits of shared walls and allows the building owner to add renewable energy sources to the entire structure.
- Providing flexible standards so site and building design can respond to the site, climate, and renewable energy opportunities.

The city's Comprehensive Plan also has goals and policies related to energy conservation in Chapter 7 that are not proposed to change. They are:

- 7.5.1 Development projects and patterns in the City that result in reduced energy consumption
- 7.5.2 Increased use of solar energy and other renewable energy resources in new development in the City.

Conclusion: Therefore, staff finds the Comprehensive Plan amendment is consistent with Goal 13.

State Land Use Goal Compliance Summary: Staff finds that the proposed comprehensive plan amendments comply with applicable Statewide Planning Goals and Oregon Administrative Rules.



Section 1.5.1.A.2

The proposed amendment is consistent and compatible with the applicable titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan.

FINDING:

Metro's 2040 Growth Concept establishes a vision for the preferred form of regional growth and development. To implement the 2040 Growth Concept, Metro established two functional plans – the Urban Growth Management Functional Plan (Functional Plan) and the Regional Transportation Functional Plan (RTFP). The Functional Plan is the general implementation tool for achieving the goals and objectives in the 2040 Growth Concept. The RTFP is the primary implementation tool for transportation-related policies.

As described in Section 5(e)(2) of the Metro Charter, the Functional Plan requires that cities update comprehensive plans and implementing regulations to comply with regional policies. The Functional Plan currently includes 11 Titles. The applicable Titles of the Functional Plan (Chapter 3.07) are addressed below, along with findings for the RTFP.

Title 1: Housing Capacity

3.07.120(b) Each city and county shall adopt a minimum dwelling unit density for each zone in which dwelling units are authorized except for zones that authorize mixed-use as defined in section 3.07.1010(gg). If a city or county has not adopted minimum density for such a zone prior to March 16, 2011, the city or county shall adopt a minimum density that is at least 80 percent of the maximum density.

Finding: The RMA, RMB, and RMC zones each have a designated minimum density. State law does not allow maximum density in zones where single-detached dwellings are allowed, so the minimum density cannot be set as a percentage of the maximum density. The minimum densities established in RMA (17 units per acre), RMB (10 units per acre), and RMC (7 units per acre) are equal to or greater than the densities established in the zones they replace (R2, R4, R5, R7, and R10). The zones also have no maximum density and allow a wider variety of housing types.

Conclusion: Therefore, staff finds the Comprehensive Plan amendment is consistent with Title 1.



Title 7: Housing Choice

3.07.730 Requirements for Comprehensive Plan and Implementing Ordinance Changes. This section requires cities to have strategies ensure a “diverse range of housing types.”

Finding: Beaverton’s Comprehensive Plan complies with Title 7. For example:

- Comprehensive Plan Goal 3.2.1, Policy a)ii. says: “Allow a wider variety of housing choices that can accommodate a range of ages, household sizes and/or income levels while ensuring the new housing responds to the scale and form of the neighborhood.”
- Comprehensive Plan Goal 4.2.1 says: “Provide a variety of housing types that meet the needs and preferences of residents”. Policies under that goal include Policy a) that calls for sufficient land that is appropriately zoned to meet a full range of housing needs and Policy c) that calls for the city to identify emerging housing types and regularly update the Development Code to allow them.
- Comprehensive Plan Goal 3.8.1 says: “Complete and livable Neighborhoods” and Policy e) under that goal says: “e) Provide opportunities for a variety of housing types in all residential plan designations while maintaining a scale and character consistent with the intent of each plan designation.”

In addition to existing goals and policies, the proposed Comprehensive Plan amendments provide supportive policy changes to implement additional housing variety in the Development Code by updating the Comprehensive Plan land use designations and implementing zones for those designations; providing policy direction on how those land use designations and zones should be applied; updating the land use designations and implementing zones that are similar to Washington County designations so they can be applied after annexations; and making other changes to enhance the clarity and consistency of the Comprehensive Plan.

Conclusion: Therefore, staff finds the Comprehensive Plan amendment is consistent with Title 7.

Title 8: Compliance Procedures

Finding: Title 8 establishes a process for determining whether city or county comprehensive plans and land use regulations substantially comply with requirements of the Functional Plan and requires cities to submit proposed comprehensive plan amendments to Metro for their review. Metro requires the city to submit the proposed amendment to Metro at least 35 days before the first evidentiary hearing, which is the Planning Commission hearing. The city provided the



notice on April 5, 2022, more than 35 days before the Planning Commission hearing. The city has not received any comments from Metro.

Conclusion: Therefore, staff finds the Comprehensive Plan amendment is consistent with Title 8.

Regional Transportation Functional Plan

Title 5: Amendment of Comprehensive Plans

Finding: Title 5 of the RTFP addresses the amendment of comprehensive plans. However, the proposed amendment does not include:

1. any proposed changes to the Transportation Element (Chapter 6),
2. any proposed changes to the Transportation System Plan (TSP), or
3. new development; therefore, approval criteria A-E in Title 5 are not applicable.

In Title 5, 3.08.510 (A) Requires cities or counties to address prior sections in 3.08 when completing analysis within the state's Transportation Planning Rule (specifically, OAR 660-012-0060). ORS 197.758 Sec. 3 (5) states that this analysis to determine whether or not a comprehensive plan amendment significantly affects an existing or planned transportation facility is not required when the comprehensive plan or land use regulations allow middle housing. Thus, subsection (A) of this rule is not applicable. Similarly, subsection (B) of Title 5 of the RTFP allows for specific actions to be adopted in comprehensive plans that would permit cities or counties to utilize a trip reduction in the traffic impact analysis within the Transportation Planning Rule. Because ORS 197.758 Sec. 3 (5) specifically exempts local jurisdictions from needing to comply with the traffic impact analysis when amending a comprehensive plan or land use regulations to facilitate middle housing, subsection (B) of Title 5 of the RTFP is not applicable.

Sections 3.08.510 (C) through (E) of Title 5 require cities and counties to complete additional analysis when adopting comprehensive plan and transportation system amendments related to transportation projects on the Regional Transportation Plan (RTP) project list. The proposed comprehensive plan amendment will not amend Chapter 6 of the comprehensive plan which contains the City's adopted Transportation System Plan. Furthermore, this comprehensive plan amendment does not propose to add or remove any transportation projects from the City's transportation project list, and thus does not propose to add or remove any transportation projects on the RTP's project list. Thus, subsections (C) through (E) are not applicable.



The city's 2035 TSP was adopted in 2010 with full review by Metro for consistency with the 2035 Regional Transportation Plan (RTP). The Transportation Element is expected to be amended in the next two to three years to ensure compliance with Metro's updated RTP, now known as the 2018 Regional Transportation Plan.

Conclusion: Staff find that the rules contained within Title 5 of the Regional Transportation Functional Plan are not applicable to this comprehensive plan amendment.

Metro Compliance Summary: Staff finds that the proposed comprehensive plan amendment is consistent and compatible with the applicable titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan.

Section 1.5.1.A.3

The proposed comprehensive plan amendment is consistent with the City's Comprehensive Plan and other applicable local plans.

Comprehensive Plan Chapter 1: Procedures Element

Finding: Compliance with Chapter 1 was described above in findings for the Comprehensive Plan Amendment Procedures and Approval Criteria and the findings for Statewide Planning Goal 1. Those findings, which described the approval process and the May 11 public hearing, are incorporated here by reference.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Chapter 1: Procedures Element.

Comprehensive Plan Chapter 2: Community Involvement Element

Goal 1: The Planning Commission, City Council, and other decision making bodies shall use their best efforts to involve the community in the planning process.

Finding: The Comprehensive Plan's Procedure's Element and the city's Development Code procedures were created based on and have been found consistent with the Community Involvement Element. Those findings are incorporated here by reference. Approval procedures include a public hearing before the Planning Commission and a City Council public hearing to adopt the ordinance. The Planning Commission and City Council also held several public work sessions to discuss the project and the draft code amendments prior to the May 11 Planning Commission hearing.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Chapter 2: Community Involvement Element.

Comprehensive Plan Chapter 3: Land Use Element

Goal 3.1.1: Encourage development and land use patterns that support a variety of transportation options.

Policy d) Apply land use designations and development regulations that support high-density development near transit and services, in order to provide greater opportunities to live, work, and meet daily needs near transit.

Finding: The proposed Chapter 3 Comprehensive Plan amendments provide land use designations and corresponding implementing zoning districts (found in the proposed Comprehensive Plan and Zoning District Matrix under Goal 3.4.1) that provide the opportunity to have additional housing variety and density throughout the Neighborhoods designation, but also include policy changes that indicate zoning with additional density is appropriate near transit and services. Proposed Policy d) under Goal 3.8.2 indicates that “Implementing zones with higher minimum density may be applied relatively closer to transit, major intersections or highway interchanges, and implementing zones with lower minimum density may be applied farther from those areas.”

Goal 3.2.1 Provide for thoughtful and strategic infill and redevelopment.

Policy a) Provide a set of residential infill guidelines and standards that encourage compatible infill development, consistent with the following principles:

- i.** Provide flexibility on development standards when it can help preserve trees and natural resources.
- ii.** Allow a wider variety of housing choices that can accommodate a range of ages, household sizes and/or income levels while ensuring the new housing responds to the scale and form of the neighborhood.
- iv.** In areas well-served by transit, amenities and services, offer more flexibility for infill housing and innovative housing types that meet city goals for affordability and livability, and provide housing for diverse household sizes, types, and age ranges.

Finding: Chapter 3 Comprehensive Plan amendments provide land use designations and corresponding implementing zoning districts (found in the proposed Comprehensive Plan and Zoning District Matrix under Goal 3.4.1) that provide the opportunity to have additional housing variety and density throughout the Neighborhoods designation and in some cases in the Mixed Use Corridors and Neighborhood Centers designations. The RMA, RMB, and RMC implementing zones allow single-detached homes, duplexes, triplexes, quadplexes, townhomes and

cottage clusters, and RMA and MR allow multi-dwellings (such as apartments). That variety of housing types can accommodate a range of ages, household sizes and income levels (assuming smaller units are less expensive than larger units). Those zones are applied in some areas that are close to transit services, commercial areas, parks and other important destinations.

Goal 3.3.1 Promote sustainable development, resilience, and resource protection

Policy a) Use land effectively in urban areas to relieve development pressure in rural areas and help protect farms, forests and natural resources.

Finding: Chapter 3 Comprehensive Plan amendments provide land use designations and corresponding implementing zoning districts (found in the proposed Comprehensive Plan and Zoning District Matrix under Goal 3.4.1) that provide the opportunity to have additional housing variety and density throughout the Neighborhoods designation. The Comprehensive Plan amendments propose minimum densities of 7 units per acre in RMC, 10 units per acre in RMB and 17 units per acre in RMA, with much higher densities allowed because of the variety of housing types allowed and reduced minimum lot sizes in the proposed Development Code amendments. The RMA, RMB, and RMC implementing zones allow single-detached homes, duplexes, triplexes, quadplexes, townhomes and cottage clusters, and RMA and MR allow multi-dwellings (such as apartments). The flexibility and available density ensure effective and efficient use of land within urban areas to relieve development pressure in rural areas and protect farms, forests, and natural resources.

Goal 3.4.1 Provide effective and inclusive planning and development review services

Policy d) Apply zoning districts consistent with Comprehensive Plan policies; applicable Community Plans; adopted Comprehensive Plan designations, as identified in the Comprehensive Plan and zoning district matrix, below; and the following policies.

Finding: The Comprehensive Plan amendment 2022-0004 proposes changes to the Comprehensive Plan and zoning district matrix to comply with 2019’s House Bill 2001, which is state law, and Oregon Administrative Rules 660 Division 46: Middle Housing in Medium and Large Cities. These amendments delete “Low Density Neighborhoods” as a designation, change the name of “Standard Density Neighborhoods” to “Lower Density Neighborhoods” and change the implementing zones for all three land use designations to designate which of the new and renamed zoning districts are implementing districts in each land use designation. See Table 1:



Proposed Comprehensive Plan and Zoning Matrix changes above. The consistency with the Comprehensive Plan is described under Section 1.5.1.A.2 of this staff report. Future zoning district applications will follow the policies in the proposed amendments if they are approved and become effective. Proposed amendments TA2022-0002 and ZMA2022-0004 apply the zoning districts consistent with the proposed Comprehensive Plan amendments described in this staff report.

Goal 3.4.2 Coordinate with Washington County on planning for the Urban Planning Area

Policy a) Coordinate with Washington County on planning and development review for the area outside city limits but within the Urban Planning Area, consistent with the adopted Urban Planning Area Agreement between the City of Beaverton and Washington County.

Finding: The Washington County-Beaverton Urban Planning Area Agreement says in Section V.A.: “The CITY and COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon the process in B, below.” In Section V.B., it says, “Upon annexation, the CITY shall initiate changes to the Comprehensive Plan land use and zoning designations corresponding as closely as possible to designations already adopted by the COUNTY. The CITY shall maintain a list of COUNTY land use designations and the corresponding CITY comprehensive plan and zoning designations.” The list referred to in Section V.B. is maintained in Land Use Element Table 1.5.2., which is shown in Table 2 in the background section of this staff report. Proposed changes to Land Use Element Table 1.5.2, shown above in the background section, includes proposed amendments to Chapter 1 of the Comprehensive Plan to identify Beaverton land use designations and zoning districts that are similar to Washington County’s designations. City staff evaluated the permitted land uses, densities and other related development standards in Washington County’s proposed amendment to implement House Bill 2001 and Beaverton’s proposed amendments to implement HB2001 to determine which Beaverton land use designations and zoning districts were similar. City staff shared the proposed Table 1.5.2 with Washington County staff and received no comments. If the proposed amendments are approved and proposed Table 1.5.2 becomes effective, properties within the Washington County district designations shown in Table 1.5.2 will be assigned the corresponding Beaverton land use designation and zoning district through a Type I, non-discretionary City Council action. Staff coordinated with Washington County both in the development of the Urban Planning Area Agreement and the proposed amendments.

Goal 3.8.1 Complete and livable neighborhoods

Policy a) Regulate maximum residential density by zone to maintain a balance between planned land uses and infrastructure capacity.

Finding: This policy is proposed for revision because Oregon Administrative Rules 660 Division 46 do not allow maximum density for duplexes, triplexes, quadplexes and cottage clusters. The proposed Development Code amendments regulate these uses by minimum lot size in RMA, RMB, and RMC. MR and RMA still regulate multi-dwellings using maximum density. The proposed amendment to Policy a) reflects the new regulatory environment and, if approved, would read: “Regulate maximum residential density and/or minimum lot area by zone to maintain a balance between planned land uses and infrastructure capacity.” The proposed amendments are still consistent with the current Policy a) because regulation by maximum density is used where allowed by law.

Policy b) Regulate minimum residential density to ensure efficient use of residential land and meet regional housing needs.

- i.** Generally, the zoning code should require that residential development achieve at least 80% of the maximum density allowed in the applicable zoning district.
- ii.** Minimum densities should be calculated excluding significant natural resource areas and other constrained lands.

Finding: This policy is proposed for revision because maximum density is not allowed as a development regulation for some uses, as described in the finding for Policy a) above. The proposed amendments would add “where applicable” to “i” so it would read: “Generally, the zoning code should require that residential development achieve at least 80% of the maximum density, where applicable, allowed in the applicable zoning district.” The proposed amendments are still consistent with the current Policy b) because a minimum residential density of 80 percent of the maximum density is still applied where applicable. The proposed Development Code amendments also set a minimum density for RMA, RMB, and RMC that is at or above the previous minimum density for the current zoning districts that make up RMA, RMB, and RMC (R2, R4, R5, R7, and R10). The proposed amendments also are consistent with Policy b)ii. because the Development Code definition of “net acreage” still subtracts natural resource areas and other constrained lands.

Policy c) Allow flexibility through lot size averaging and other tools to provide flexibility and housing variety while maintaining an overall density consistent with the Comprehensive Plan designation and zoning.



Finding: This policy is proposed for revision because proposed Development Code changes reduce the lot size well below current standards and basically rely on minimum lot size to establish which housing types are allowed on which lot sizes. Minimum lot sizes also differentiate RMA, RMB, and RMC. In the end, the proposed code's flexibility regarding minimum lot sizes and housing types makes the lot size averaging tool unnecessary. The policy goal of flexibility remains, so the proposed Comprehensive Plan amendments would change Policy c) to read: "Allow flexibility to provide housing variety while maintaining an overall density consistent with the Comprehensive Plan designation and zoning." The proposed Comprehensive Plan amendment provides flexibility consistent with Policy c) because RMB and RMC have two different implementing zones. The proposed Development Code amendment also provides significant flexibility consistent with Policy c) in allowed uses, lot sizes, and other development standards.

Policy d) For development that achieves a public benefit or goal (i.e. increased housing options, public space or affordable housing) the city may provide opportunities in the Development Code to allow additional housing units that exceed the ranges listed for each Comprehensive Plan designation.

Finding: Policy d) is proposed for revision because the proposed Comprehensive Plan amendment includes policies that advocate for additional units and density and the proposed Development Code amendment will allow significant by right flexibility in the housing types and number of units allowed on a site. This means incentives for additional housing units might not be effective because additional housing units are already allowed. A broader goal that more broadly advocates for incentives and provides additional floor area or housing units as an example provides more flexibility for future Development Code incentives considered by the City Council. If the proposed amendments are approved and take effect, Policy d) would read: "For development that achieves a public benefit or goal, such as increased housing options, public space or affordable housing, the city may provide code incentives, such as opportunities for additional floor area or housing units." The proposed amendments are consistent with this policy as well because the tree preservation incentive offers an incentive (an additional 600 feet of floor area, which is large enough for another housing unit) for the public good of preserving large trees.

Policy e) Provide opportunities for a variety of housing types in all residential plan designations while maintaining a scale and character consistent with the intent of each plan designation.

As described in the background section above and described in findings for other goals and policies, the Comprehensive Plan amendment includes land use



designations and implementing zones that allow significant housing variety and include site and design standards that require development to respond to context, including setbacks, floor area ratio maximums (which control the maximum floor area allowed on a lot), height limits, outdoor area requirements, tree planting requirements and other design features.

Policy f) Facilitate development of housing that is affordable to a range of incomes, including low-income households.

Finding: The proposed Comprehensive Plan land use designations and their corresponding implementing zones, including MR, RMA, RMB, and RMC, allow for a variety of housing options with flexible development rules that allow the development of housing in a variety of configurations and sizes. These housing types include single-detached homes, duplexes, triplexes, quadplexes, townhouses and cottage clusters, as well as multi-dwellings (apartments with five or more units) in MR and RMA. The proposed amendments in TA 2022-0002 also reduce setbacks in some areas and allow detached plexes (for example, a fourplex could be either four units in one building or four separate individual homes on a lot). Property owners/developers have options to build large single-detached homes intended for higher-income households or plexes with small units that are more affordable for households with lower incomes.

Policy h) Use Crime Prevention through Environmental Design (design that provides opportunities for “eyes on the street” through street-facing windows and doors) to reduce graffiti, vandalism and other property crimes and to promote a feeling of safety for pedestrians.

Finding: The Comprehensive Plan land use designations’ implementing zones include design standards that require a minimum 15 percent window percentage facing the street and require a doorway facing the street. The design standards also require outdoor open areas and other features to promote community. A side effect of these standards is that they create more interaction between the private property and public property, which could provide a sense of safety for many community members.

Goal 3.8.2 Low and Standard Density Neighborhoods: Provide residential neighborhoods that emphasize detached housing and integrate parks, schools, and other community institutions.

Goal 3.8.2 is proposed for revision to reflect the deletion of the Low Density Neighborhoods designation and the renaming of the Standard Density Neighborhoods designation as “Lower Density Neighborhoods.” In addition, the goal

is revised to call for an emphasis on housing variety rather than detached housing to make it more consistent with the proposed amendments and the state law requirement that the city allow middle housing. If the amendments take effect, the goal would read: “Lower Density Neighborhoods: Provide residential neighborhoods that emphasize housing variety and integrate parks, schools and other community institutions.”

Policy a) Allow and encourage a variety of housing types that respond to the scale and form of existing neighborhoods as a way to increase housing options within established neighborhoods while recognizing neighborhood character.

Finding: The proposed Comprehensive Plan land use designation of Lower Density Neighborhoods and its corresponding implementing zones, RMB and RMC, allow for a variety of housing options with flexible development rules that allow the development of housing in a variety of configurations and sizes. These housing types include single-detached homes, duplexes, triplexes, quadplexes, townhouses, and cottage clusters. Site and building design standards in the TA 2022-0002 proposed Development Code amendments also include height, bulk, setback, tree planting, parking and other standards that allow single-detached homes and middle housing in a way that considers context and neighborhood character. The text amendments for implementing zones in this land use designation also propose different zones that reflect the geographies of the current zoning districts. RMB (currently the R4 and R5 zones), and RMC (currently the R7 and R10 zones). Standards for minimum lot size, minimum density, maximum floor area ratio and other requirements vary according to the three zones so the Development Code can recognize neighborhood character and context.

Policy b) Establish zoning regulations that allow housing at generally the following residential densities, while allowing for flexibility as described under Goal 3.8.1:

- o **i.** Low Density Neighborhoods: one dwelling unit per 10,000-12,500 square feet of residential land area
- o **ii.** Standard Density Neighborhoods: one dwelling unit per 5,000-10,000 square feet of residential land area

Finding: Policy b) is proposed for revision because state law and Oregon Administrative Rules 660 Division 46 require Beaverton to allow middle housing in areas where single-detached homes are allowed, and maximum densities cannot be applied to limit the development of middle housing. The proposed Development Code amendments regulate these uses by minimum lot size in RMB and RMC. The proposed amendment to Policy b) reflects the new regulatory environment and, if

approved, would read: “Establish zoning regulations that allow housing variety at low-to-medium densities, with the lowest minimum density of 7 units per acre.”

Policy d) The Standard Density Neighborhood designation may be applied in areas that have limited access to transit and are not located at a major intersection or highway interchange; or areas that are presently developed with predominately single family homes.

Finding: Policy d) is proposed for revision because the land use designations and implementing zones are changing to comply with state laws requiring Beaverton to allow middle housing in areas that formerly allowed predominantly single-detached houses. The Comprehensive Plan amendments in CPA 2022-0004 propose to rename Standard Density Neighborhood to “Lower Density Neighborhood.” The amendments show RMB and RMC as implementing zones for the Lower Density Neighborhoods designation. If approved, the proposed amendments would change Policy d) to read: “The Lower Density Neighborhood designation may be applied in areas that are presently developed with predominantly single-detached homes, have limited access to transit and are not near a major intersection or highway interchange. Implementing zones with higher minimum density may be applied relatively closer to transit, major intersections or highway interchanges, and implementing zones with lower minimum density may be applied farther from those areas.”

The proposed revisions would:

- Reflect the land use designation name change to “Lower Density Neighborhoods.”
- Provide decision-makers locational policy guidance when determining they are using judgment about which implementing zone is appropriate on a given site within the Lower Density Neighborhoods designation. Higher density (RMB) nearer to transit, major intersections and highway interchanges and lower density (RMC) farther from those features.

Goal 3.8.3 Medium and High Density Neighborhoods: Provide for a variety of housing types and higher residential densities in areas with more amenities and transit service.

Goal 3.8.3 is proposed to be revised to read: “Medium Density Neighborhoods and High Density Neighborhoods: Provide for a variety of housing types and higher residential densities in areas with more amenities and transit service.” The proposed amendment does not change the meaning of the goal but makes it clearer that it applies to two land use designations.



Policy a) Provide for a variety of housing types, with an emphasis on multifamily and attached single family housing.

Finding: Policy a) is proposed to be revised to read: “Provide for a variety of housing types, including single-detached homes, while emphasizing multi-dwelling and middle housing.” The proposed revisions reflect the proposed amendments in TA 2022-0002 to allow middle housing in areas where single-detached homes are allowed, consistent with state law and Oregon Administrative Rules 660 Division 46. The proposed Comprehensive Plan land use designations and their corresponding implementing zones, including MR, RMA, and RMB, allow for a variety of housing options with flexible development rules that allow the development of housing in a variety of configurations and sizes. These housing types include single-detached homes (except in MR), duplexes, triplexes, quadplexes, townhouses, and cottage clusters, as well as multi-dwellings (apartments with five or more units) in MR and RMA.

Policy b) Establish zoning regulations that allow housing at generally the following residential densities, while allowing for flexibility as described under Goal 3.8.1:

- i. Medium Density Neighborhoods: one unit per 2,000-5,000square feet of residential land area
- ii. High Density Neighborhoods: one unit per 1,000-2,000 square feet of residential land area

Finding: Policy b) is proposed for revision because state law and Oregon Administrative Rules 660 Division 46 require Beaverton to allow middle housing in areas where single-detached zoning is allowed, and maximum densities cannot be applied to limit the development of middle housing. The proposed Development Code amendments regulate these uses by minimum lot size in RMA and RMB. MR and RMA still regulate multi-dwellings using maximum density (expressed as minimum land area per dwelling unit). The proposed amendment to Policy b) reflects the new regulatory environment and, if approved, would read: “Establish zoning regulations that allow housing that is consistent with the following residential density policies, while allowing for flexibility as described under Goal 3.8.1:

- i. Medium Density Neighborhoods: allow housing variety at medium densities, with the lowest minimum density at 10 units per acre.
- ii. High Density Neighborhoods: one unit per 1,000 square feet of residential land area.”



Policy c) Focus the highest density housing closest to transit, commercial services, parks, and/or other amenities, to provide convenient access to these amenities by as many households as possible.

Finding: The proposed Comprehensive Plan amendments retain the geographic locations of the Comprehensive Plan land use designations, which were previously found to be consistent with this policy. After the proposed amendments take effect, the land use designations will still have implementing zones that scale up density as they get closer to transit, commercial services, and other amenities.

Policy h) The Medium and High Density Neighborhoods designations may be applied in areas that have walkable access to transit, commercial services, parks, and/or other amenities. The Medium Density Neighborhood may serve as a transition between Standard Density or Low Density Neighborhoods and higher density neighborhoods or commercial or mixed use designations.

Finding: Policy h) is proposed for revision to reflect the change in the names of the land use designations. The revisions would delete “Standard Density or Low Density” in the above policy and replace it with “Lower Density” because “Low Density” was deleted and “Standard Density” was renamed “Lower Density.” Otherwise, the proposed Comprehensive Plan amendments retain the geographic locations of the Comprehensive Plan land use designations, which were previously found to be consistent with this policy.

Conclusion: Therefore, staff finds the Comprehensive Plan amendment is consistent with Chapter 3 of the Comprehensive Plan.

Comprehensive Plan Chapter 4: Housing

Goal 4.1.1 Provide an adequate supply of housing to meet future needs

Policy b) Support higher density infill development that capitalizes on existing infrastructure and where impacts can be mitigated

Finding: The proposed Comprehensive Plan land use designations and their corresponding implementing zones, including MR, RMA, RMB, and RMC, allow for a variety of housing options with flexible development rules that allow the development of housing in a variety of configurations and sizes. These housing types include single-detached homes, duplexes, triplexes, quadplexes, townhouses, and cottage clusters, as well as multi-dwellings (apartments with five or more units) in MR and RMA. The proposed amendments will allow infill development to occur, which will add to the housing supply. Impacts are mitigated through design standards implemented through the proposed amendments, which include



setbacks, buffers, outdoor open area, tree planting requirements, context-sensitive height limitations, and other methods.

Goal 4.2.1 Provide a variety of housing types that meet the needs and preferences of residents

Policy a) Ensure that sufficient land is appropriately zoned to meet a full range of housing needs, including an adequate amount of detached single family housing to meet projected demand

As described in the background section above and described in findings for other goals and policies, the Comprehensive Plan amendment includes land use designations and implementing zones that allow significant housing variety and include site and design standards that require development to respond to context, including setbacks, floor area ratio maximums (which control the maximum floor area allowed on a lot), height limits, outdoor area requirements, and other design features. Single-detached dwellings are allowed throughout the Lower Density Neighborhoods and Medium Density Neighborhoods land use designations and the RMA, RMB, and RMC zoning districts.

Policy c) Identify and research emerging housing types and regularly consider appropriate updates to the Development Code to allow for their development

Finding: As described in the background section above and described in findings for other goals and policies, the Comprehensive Plan amendment includes land use designations and implementing zones that allow significant housing variety. Middle housing is allowed in the Lower Density Neighborhoods, Medium Density Neighborhoods and High Density Neighborhoods land use designations. These housing types once were allowed in Beaverton but were removed as allowed uses in the 1960s through 1970s. Allowing these uses will enable a re-emergence of the housing types in neighborhoods. The implementing zones for the land use designations also include flexible standards that will allow creativity and innovation to occur regarding housing types and configurations.

Policy e) When considering comprehensive plan and zoning map amendments, address the potential impacts of densification, including increased traffic and noise, on established neighborhoods

Finding: The Comprehensive Plan amendment revises and applies Lower, Medium, and High Residential Neighborhoods land use designations to the same geographical area as the current area covered by the Neighborhoods land use designations. The land use designations have implementing zones that allow a range of housing types, including middle housing because state law and Oregon Administrative Rules 660



Division 46 require Beaverton to allow middle housing in areas where single-detached homes are allowed. The proposed amendments to the implementing zones include design standards that address some impacts of allowing additional density, including tree planting, outdoor open area requirements, limits on the amount of street frontage that can be taken up by parking, and minimum off-street parking standards.

Policy i) Provide adequate opportunities for residents to be involved in decisions affecting their neighborhoods

Finding: Compliance with Comprehensive Plan Goal 4.2.1 was described above in findings for Goal 1 Citizen Involvement in the Statewide Planning Goals section. Those findings, which describe the city's community involvement program and approach to equitable engagement, are incorporated here by reference.

Conclusion: Therefore, staff finds the Comprehensive Plan amendment is consistent with Chapter 4 of the Comprehensive Plan.

7.5.1 Goal: Development projects and patterns in the City that result in reduced energy consumption.

7.5.2 Goal: Increased use of solar energy and other renewable energy resources in new development in the City.

Policy b) Encourage higher density development where appropriate.

Finding: The land use designations have implementing zones that allow a range of housing types and densities, including middle housing because state law and Oregon Administrative Rules 660 Division 46 require Beaverton to allow middle housing in areas where single-detached homes are allowed. Maximum density also is not allowed for most of the housing types. The proposed amendments allow additional residential density at a scale that is appropriate for the Neighborhoods, Mixed Use Corridors and Neighborhood Centers land use designations. The MR, RMA, RMB, and RMC zones also have minimum densities that to ensure efficient use of land.

Policy h) The City shall retain and apply regulations requiring consideration of solar energy options in the development process.

Finding: City land use policies and zoning regulations support solar energy options, and adding solar energy capacity is allowed in the Neighborhoods, Mixed Use Corridors, and Neighborhood Centers land use designations, which all include one or more of the MR, RMA, RMB, and RMC implementing zones. The proposed Development Code amendments in TA2022-0002 delete the city's solar access protection standards, which currently only apply to the R5, R7 and R10 zones. This



section of code was written to ensure solar access to single-detached dwellings, and there is no practical way to apply the standards to the mix of housing types allowed in the proposed RMA, RMB, and RMC zones. It also would take significant work to determine how to make them entirely clear and objective and compliant with state laws regarding middle housing and middle housing land divisions. The development review process, though, does allow additional of solar energy facilities in residential neighborhoods.

Conclusion: Therefore, staff finds the Comprehensive Plan amendment is consistent with Chapter 7 of the Comprehensive Plan.

Comprehensive Plan Summary Conclusion: Staff finds the amendment meets the criterion for approval and is consistent with the City's Comprehensive Plan and other applicable local plans.

STAFF RECOMMENDATION

Based on the facts and findings presented, staff offers the following recommendation for the conduct of the May 11, 2022, public hearing for CPA2022-0004, Housing Options Project Comprehensive Plan Amendment.

- A. Conduct the public hearing and receive all public testimony relating to the proposal.
- B. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
- C. Recommend **APPROVAL** of comprehensive plan amendment application CPA2022-0004 Housing Option Project Comprehensive Plan Amendment to the City Council.



TA2022-0002 TEXT AMENDMENT ANALYSIS AND FINDINGS

TA2022-0002 Text Amendment Procedures and Approval Criteria

Section 40.85.15.1.C of the Code specifies that to approve a Development Code Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA2022-0002 Housing Options Project Development Code Text Amendment:

Section 40.85.15.1.C.1

Criterion: The proposal satisfies the threshold requirements for a Text Amendment application.

FINDING

Section 40.85.15.1.A.1 specifies that an application for a Development Code Text Amendment shall be required when there is any change to the Development Code, excluding changes to the zoning map.

TA2022-0002 proposes changes to all chapters in the Development Code:

- Chapter 10 changes include new text that indicates Homeowners Associations rules must comply with City Code Chapter 5 and state law; updated text that indicates new Design Review applications are subject to Facilities Review; and an updated table for the classification of zoning districts based on new districts proposed in ZMA 2022-004, which includes:
 - o R1 is proposed to keep the same geography but is renamed Multi-unit Residential, or MR
 - o R2 is proposed to keep the same geography and become RMA.
 - o R4 and R5 are proposed to merge into RMB, so RMB is applied to the entire geography covered by R4 plus R5 .
 - o R7 and R10 are proposed to merge RMC, so RMC is applied to the entire geography covered by R7 plus R10.
- Chapter 20 changes include:

- o For Residential Land Use districts, updating new zone names; updating allowed land uses since existing zones are being consolidated into new zones; updating dwellings categories to address more specific housing types; modifying site development standards, which includes updating standards based on more specific housing types, adding new standards (such as maximum floor area ratio), and deleting existing standards (such as minimum land area, lot dimensions for land divisions less than 2 acres, and reduced yard setbacks); and adding a provision that requires housing variety for residential developments in the South Cooper Mountain Community Plan.
- o For Commercial Land Use districts, updating dwellings categories to address more specific housing types; updating allowed land uses for new housing types being added to the table; modifying the site development standard for minimum land area for residential developments since attached and detached dwellings will be treated similarly in the proposed update; and adding a provision that requires housing variety for residential developments in the South Cooper Mountain Community Plan.
- o For Multiple Use Land Use districts, updating dwellings categories to address more specific housing types; updating allowed land uses for new housing types being added to the table; and adding a provision that requires housing variety for residential developments in the South Cooper Mountain Community Plan.
- o For Density Calculations and Bulk, updating how minimum density is calculated, adding exceptions to minimum density standards in the RMA, RMB and RMC zones, and updating the approach to Floor Area Ratio (FAR).
- o Adding a new section, Additional Height Limitations in RMB and RMC, which provides additional height limitations for development near the front and rear setbacks, which are reduced in the code update.
- Chapter 30 changes include updating text to clarify that duplexes are allowed in addition to single-detached dwellings on any lot with an area deficiency, as required by state law.
- Chapter 40 changes include adding three new Design Review applications (Single-Detached and Middle Housing Design Review One, Single-Detached and Middle Housing Design Review Two, and Single-Detached and Middle Housing Design Review Three); updating the Applicability section for Design Review; updating the threshold for Design Review Two; and updating the Land Division and

Reconfiguration section, which includes a new Preliminary Middle Housing Land Division section and updates to the Expedited Land Division section.

- Chapter 50 changes include adding process provisions for Middle Housing Land Divisions to the Expedited Land Division section and updating the Expiration of Decision list based on new applications in Chapter 40.
- Chapter 60 changes include adding a new section, Design Standards and Guidelines for Single-Detached Dwellings and Middle Housing, that applies to the RMA, RMB and RMC zones; adding clarifying language in other sections that exempts some developments in RMA, RMB and RMC from certain standards or guidelines; adding language to Design Review regarding clear and objective criteria for properties within the South Cooper Mountain Community Plan; updating the Land Division Standards, Mobile and Manufactured Home Regulations, Off-street Parking and Planned Unit Development sections to be compliant with recent changes in state law; updating the requirements for off-street parking lot design; deleting the Solar Access Protection section because it was written with exclusively single-detached dwellings in mind and there is no practical way to apply them to the mix of housing types allowed in the RMA, RMB and RMC zones (and it also would take significant work to determine how to make them entirely clear and objective and compliant with state laws regarding middle housing and middle housing land divisions); updating the Special Use Regulations section, which includes rules for Accessory Dwelling Units, Accessory Use or Structures, and Projections into Required Yards and Public Right-of-Way; adding pedestrian circulation requirements for single-detached dwellings and middle housing to the Transportation Facilities section; and replacing existing residential zone names (R1, R2, R4, R5, R7 and R10) with new zone names (RMA, RMB and RMC) throughout the chapter.
- Chapter 70 changes include updating dwellings categories to address more specific housing types and updating allowed land uses for new housing types being added to the table.
- Chapter 90 updates include new or updated definitions for dwelling types, and various terms associated with residential dwellings (such as carports, frontage and floor area).

Conclusion: Staff finds that the proposed amendment is consistent with the Section 40.85.15.1.C.1.

Section 40.85.15.1.C.2

Criterion: All City application fees related to the application under consideration by the decision making authority have been submitted.



FINDING

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a city-initiated application are not required where the application fee would be paid from the City's General Fund. The Planning Division, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required.

Conclusion: Staff find that criterion 40.85.15.1.C.2 is not applicable.

Section 40.85.15.1.C.3

Criterion: The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.

FINDING:

Metro's 2040 Growth Concept establishes a vision for the preferred form of regional growth and development. To implement the 2040 Growth Concept, Metro established two functional plans – the Urban Growth Management Functional Plan (Functional Plan) and the Regional Transportation Functional Plan (RTFP). The Functional Plan is the general implementation tool for achieving the goals and objectives in the 2040 Growth Concept. The RTFP is the primary implementation tool for transportation-related policies.

As described in Section 5(e)(2) of the Metro Charter, the Functional Plan requires that cities update comprehensive plans and implementing regulations to comply with regional policies. The Functional Plan currently includes 11 Titles. The applicable Titles of the Functional Plan (Chapter 3.07) are addressed below.

Title 1: Housing Capacity

3.07.120(b) Each city and county shall adopt a minimum dwelling unit density for each zone in which dwelling units are authorized except for zones that authorize mixed-use as defined in section 3.07.1010(gg). If a city or county has not adopted minimum density for such a zone prior to March 16, 2011, the city or county shall adopt a minimum density that is at least 80 percent of the maximum density.

Finding: The RMA, RMB, and RMC zones each have a designated minimum density. State law does not allow maximum density in zones where single-detached dwellings are allowed, so the minimum density cannot be set as a percentage of the maximum density. The minimum densities established in RMA (17 units per acre), RMB (10 units per acre), and RMC (7 units per acre) are equal to or greater than the

densities established in the zones they replace (R2, R4, R5, R7, and R10). The zones also have no maximum density and allow a wider variety of housing types.

Conclusion: Therefore, staff finds the Text Amendment is consistent with Title 1.

Title 7: Housing Choice

3.07.730 Requirements for Comprehensive Plan and Implementing Ordinance Changes. This section requires cities to have strategies that ensure a “diverse range of housing types.”

Finding: Beaverton’s Text Amendment changes provide multiple strategies to promote housing variety in Chapters 20, 40 and 60.

- Chapter 20 updates:
 - o Allow middle housing types in all residential zones, including MR (formerly R1), RMA (formerly R2), RMB (formerly R4 and R5), and RMC (formerly R7 and R10).
 - o Reduce the minimum land area to build single-detached dwellings and middle housing in RMA, RMB, and RMC.
 - o Reduce front, rear, and in some cases, side setbacks so that it is easier to fit larger buildings on a lot.
 - o Allow duplexes, triplexes and quadplexes to have a slightly higher maximum floor area (compared to single-detached dwellings) to improve feasibility and promote reasonably sized units.
 - o Include a provision that requires housing variety for residential developments in the South Cooper Mountain Community Plan.
- Chapter 40 updates:
 - o Include new applications for single-detached dwellings and middle housing which allows middle housing to be reviewed through a Type 1 or Type 2 process, for which the decision-making authority is the Director (as opposed to a Type 3 process, currently required for middle housing developments in all areas where they are allowed, for which the decision making authority is the Planning Commission).
 - o Allow middle housing land divisions to facilitate fee-simple sales of middle housing. For example, a property could build a duplex and then create “child lots” under each duplex so the units could be sold rather than rented.
- Chapter 60 updates:

- o Include clear and objective standards that allow new housing developments to be reviewed and approved through a Type 1 process, for which the decision-making authority is the Director (as opposed to a Type 3 process for which the decision making authority is the Planning Commission).
- o Reduce off-street parking requirements from what is required in the existing code. For example, the current code requires between 3.75 and 5.25 parking spaces for a triplex, depending on the number of bedrooms. The draft code would require two or three spaces total for the same triplex (depending on the lot size), with potential reductions if on-street parking spaces are present abutting the lot.

Conclusion: Therefore, staff finds the Text Amendment is consistent with Title 7.

Title 8: Compliance Procedures

Finding: Title 8 establishes a process for determining whether city or county comprehensive plans and land use regulations substantially comply with requirements of the Functional Plan and requires cities to submit proposed amendments to land use regulations to Metro for their review. Metro requires the city to submit the proposed amendment to Metro at least 35 days before the first evidentiary hearing, which is the Planning Commission hearing. The city provided the notice on April 5, 2022, more than 35 days before the Planning Commission hearing. The city has not received any comments from Metro.

Conclusion: Therefore, staff finds the Text Amendment is consistent with Title 8.

Regional Transportation Functional Plan (RTFP)

Title 5: Amendment of Comprehensive Plans

Finding: Title 5 of the RTFP addresses the amendment of comprehensive plans, which was addressed in the staff report for CPA 2022-0004. To be clear, the proposed amendment does not include:

1. any proposed changes to the Transportation Element (Chapter 6),
2. any proposed changes to the Transportation System Plan (TSP), or
3. new development; therefore, approval criteria A-E in Title 5 are not applicable.

As discussed in the findings for Title 5 of the RFP in CPA 2022-0004, staff find that the rules contained within Title 5 of the Regional Transportation Functional Plan are also not applicable to this text plan amendment.



Conclusion: Staff find that the rules contained within Title 5 of the Regional Transportation Functional Plan are not applicable to this text plan amendment.

Metro Compliance Summary: Staff finds that the proposed Text Amendment is consistent and compatible with the applicable titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Functional Plan.

Section 40.85.15.1.C.4

Criterion: The proposed Text Amendment is consistent with the City's Comprehensive Plan.

Comprehensive Plan Chapter 2: Community Involvement Element

Goal 1: The Planning Commission, City Council, and other decision making bodies shall use their best efforts to involve the community in the planning process.

Finding: The city's Development Code procedures were based on and have been found consistent with the Community Involvement Element. Approval procedures includes a public hearing before the Planning Commission and a City Council public hearing to adopt the ordinance.

The Planning Commission and City Council also held several public work sessions to discuss the project and the draft code amendments prior to the May 11 Planning Commission hearing. Community members were notified about how to provide public comment at each work session through email notifications that were sent out to community members who opted in for project updates.

Section 1.4.1 of the Comprehensive Plan also establishes notice requirements for legislative amendments including: inter-agency notice of the initial hearing to the Department of Land Conservation and Development (DLCD), as well as to Neighborhood Association Committees (NACs) and Beaverton Committee for Community Involvement (BCCI); publication in a newspaper of general circulation; posting in Beaverton City Hall and the Beaverton City Library; and posting on the city's website. All noticing requirements were completed.

Conclusion: Staff finds that the proposed amendment is consistent with Goal 1 in the Community Involvement Element.

Goal 2: Actively work to recruit and include individuals of all ethnic, racial, age, cultural backgrounds, abilities, and sexual orientations, gender identities, and socio-economic status on City boards, commissions, and in public processes to reflect and correspond to the City's demographic profile.

Finding: Staff used a racial equity toolkit, developed by the Government Alliance on Race and Equity (GARE), to help develop housing strategies that reduce racial inequities and improve success for all communities.

This involved prioritizing engagement with communities most likely to benefit from more diverse housing options for many reasons, including but not limited to a history of racial segregation and racist housing practices, the fact that many communities of color are more likely to be cost-burdened (pay a large percentage of their income for housing), and the need to accommodate larger families and/or multigenerational living.

A snapshot of public engagement efforts is below:

- **Engagement activities** included community meetings that aimed to understand community-specific issues and priorities with renters, immigrants, and communities of color; a Farmer’s Market tabling event; interviews with affordable housing providers, homebuilders, and advocacy groups; advisory groups and committees; a virtual open house in English and Spanish; and surveys in English and Spanish.
- **Communities of Color engaged** include African; Arabic, Kurdish, and Middle Eastern; Black/African American; Asian and South Asian, Latinx and Chicano, Middle Eastern and North African; Native American; and Slavic.
- **Demographics engaged** include formerly houseless persons; renters, including low-income families with Section 8 vouchers as well as market-rate renters; homeowners; recent immigrants; multigenerational families; single parent households; young adults and older adults; male, female and nonbinary participants; gay, lesbian and transgender participants; and people with mobility issues.
- **Translated materials:** Arabic, Spanish and Thai.
- **Interpretation during meetings:** Farsi, Spanish and Thai.

Conclusion: Staff finds that the proposed amendment is consistent with Goal 2 in the Community Involvement Element.

Comprehensive Plan Chapter 3: Land Use Element

Goal 3.1.1: Encourage development and land use patterns that support a variety of transportation options.

Policy a) Emphasize pedestrian convenience and safety in all developments and transportation facilities.



Finding: Proposed changes to Section 60.05.60 include design standards and guidelines for pedestrian ways in cottage clusters. Section 60.30 includes updated bicycle parking requirements for housing developments with at least four units. Proposed changes to Section 60.55.25 (Street and Bicycle and Pedestrian Connection Requirements) include new pedestrian circulation requirements for single-detached dwellings and middle housing, requiring a pedestrian way to connect at least one main entrance of each residential structure to at least one adjacent public street and to be hard-surfaced and a minimum of 5 feet wide. Also, in Section 60.55.25, the proposed amendment limits average block length in a development to 300 feet for sites in the South Cooper Mountain area larger than 2 acres where the streets do not exist, or where new streets are proposed.

In addition to proposed changes in the text amendment, existing standards in the Development Code and Beaverton Engineering Design Manual also ensure pedestrian access.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.1.1 policy a.

Policy b) Encourage development and programs that reduce the need for vehicle use and ownership.

Finding: Chapter 3 Comprehensive Plan amendments provide land use designations and corresponding implementing zoning districts (found in the proposed Comprehensive Plan and Zoning District Matrix under Goal 3.4.1 referenced in the CPA 2022-0004 Staff Report) that provide the opportunity to have additional housing variety and density throughout the Neighborhoods designation.

The Comprehensive Plan amendments propose minimum densities of 7 units per acre in RMC, 10 units per acre in RMB and 17 units per acre in RMA, with much higher densities allowed because of the variety of housing types allowed and reduced minimum lot sizes in the proposed Development Code amendments. State law says the city cannot use maximum density (where single-detached homes are allowed) unless it goes through a special approval process, so maximum density is not applicable in the RMA, RMB, and RMC zones.

The RMA, RMB, and RMC implementing zones allow single-detached homes, duplexes, triplexes, quadplexes, townhomes and cottage clusters, and RMA and MR allow multi-dwellings (such as apartments). The flexibility and available density ensure effective and efficient use of land within urban areas to relieve development pressure in rural areas and protect farms, forests, and natural resources.



The proposed amendment also requires bicycle parking in Section 60.30 (Off-Street Parking). In anticipation of administrative rules to implement the Climate-Friendly and Equitable Communities initiative (related to the March 10, 2020, Executive Order No. 20-04 signed by Governor Kate Brown that directs state agencies to reduce climate pollution), minimum required bicycle parking spaces has been updated since staff anticipates that the administrative rules will require one space per unit for multifamily housing (defined as having at least four units).

In sum, allowing more housing options within urban areas (rather than expanding the urban growth boundary), removing maximum density, and allowing smaller lot sizes allows more people to live in areas near existing important destinations, such as employment areas, shopping areas and schools. In addition, improving density is likely to increase demand for transit and other multimodal transportation options. This makes it more feasible for improvements that will expand both public transit and active transportation options, which would make it easier to ride a bike, walk, or use a wheelchair or mobility device.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.1.1 policy b.

Policy c) Ensure that new development is designed to provide safe, comfortable and direct pedestrian and bicycle connections for all, regardless of ability or age, to and through the development, including to reach nearby points of interest.

Finding: Compliance with Comprehensive Plan Goal 3.1.1 policy c was described above in findings for Comprehensive Plan Goal 3.1.1 policy a. Those findings, which described safe, comfortable and direct pedestrian connections, are incorporated here by reference. The proposed amendment does not address bicycle connections.

In addition, Section 60.05.20 (Circulation and Parking Design Standards) includes clear and objective standards that address connections to the street system and pedestrian circulation requirements, which now includes specific provisions for properties within the South Cooper Mountain Community Plan area. New development within the South Cooper Mountain Community Plan area will be required to provide streets with sidewalks and bike lanes and multi-use trails, as shown in Figures 10 and 11 of the South Cooper Mountain Community Plan.

Furthermore, new development is also subject to Section 60.55 (Transportation Facilities) in the Beaverton Development Code which states that all public and private transportation facilities shall be designed and improved in accordance with the standards of this (Beaverton Development Code) code and the Engineering Design Manual and Standard Drawings. By demonstrating compliance with



applicable Chapter 60 and Engineering Design Manual standards, new development will provide safe, comfortable and direct pedestrian and bicycle connection for all, to and through the development.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.1.1 policy c.

Policy d) Apply land use designations and development regulations that support high-density development near transit and services, in order to provide greater opportunities to live, work, and meet daily needs near transit.

Finding: The proposed text amendment includes two residential zoning districts, RMA and RMB (found in Section 20.05 Residential Land Use Districts), that provide the opportunity to have additional housing variety and density near transit and services. RMA and RMB are the implementing zoning districts for the Medium Density Neighborhoods designation, which aims to focus the highest density housing closest to transit, commercial services, parks, and/or other amenities, and to provide convenient access to these amenities by as many households as possible. The proposed amendment also allows more density in RMC, which currently is found near transit lines and commercial areas in parts of the city. In addition, MR would retain the density standards of R1.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.1.1 policy d.

Policy e) Encourage increased intensity of development within Mixed Use, Commercial, and Employment areas that are located within a half-mile of high capacity transit stops or stations, such as MAX and WES.

Finding: Within Mixed Use Corridors in the Mixed Use Areas Comprehensive Plan designation, MR and RMA are two potential implementing zoning districts. The MR zone is an implementing zone for Higher Density Neighborhoods, and RMA is an implementing zone for Medium Density Neighborhoods; therefore, they can be applied near high-capacity transit stops to support higher density. In Section 20.05.15, minimum density for MR is 35 units per acre and minimum density for RMA is 17 units per acre.

In addition, within Neighborhood Centers in the Commercial Centers and Corridors Comprehensive Plan designation, RMA and RMB are implementing zoning districts. Both are implementing zones for Medium Density Neighborhoods. In Section 20.05.15, the minimum density for RMB is 10 units per acre. However, maximum density does not apply to RMA and RMB, so it is possible that new development

could significantly exceed the minimum density in these areas, now that middle housing is allowed in all residential neighborhoods.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.1.1 policy e.

Policy I) Accommodate automobile access and parking in an efficient manner that does not detract from the desirability of other modes.

Finding: In Section 20.05.15, the proposed text amendment reduces the garage door to rear minimum yard setback to make it easier to build alley-loaded development. In Section 60.05.60, a new design standard for single-detached dwellings and middle housing limits the combined width of garages and off-street parking areas to 50 percent of the street frontage, which promotes a more walkable pedestrian environment by reserving more space for sidewalks, limiting driveway width and curb cuts, and thereby creating more opportunities for street trees.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.1.1 policy I.

Goal 3.2.1: Provide for thoughtful and strategic infill and redevelopment.

Policy a) Provide a set of residential infill guidelines and standards that encourage compatible infill development, consistent with the following principles:

- i. Provide flexibility on development standards when it can help preserve trees and natural resources.

Finding: Proposed changes that promote flexibility include:

- o In Section 20.05.15 (Site Development Standards), smaller front, rear, and in some cases, side setbacks, in RMB and RMC (compared to the current code) provide more flexibility in siting buildings to protect trees and orienting buildings along an east-west axis to take advantage of daylighting and solar collection opportunities.
- o In Section 60.05.60 (Design Standards and Guidelines for Single-Detached Dwellings and Middle Housing), includes design standards and guidelines for single-detached homes and middle housing. Design standards are written to provide flexibility with some options, and design guidelines provide even more flexibility since guidelines are inherently discretionary. These standards are organized by housing type and cover the following topics:
 - Single-Detached Dwellings, Duplexes, Triplexes, and Quadplexes
 - Entries, location

- Windows, percentage facing street
- Outdoor open area, minimum requirements by lot size and design requirements
- Tree planting standards, with fee in lieu option for planting, as well as a tree preservation incentive which allows some middle housing types to be up to 600 square feet larger than the maximum allowed floor area if trees are preserved on site.
- Garages and off-street parking areas, limit on percentage along street frontage
- Driveway location and driveway approaches
- Solid waste facilities
- Townhouse standards
 - Same topics as required for single-detached and plexes, in addition to maximum number of units in a structure and driveway access standards
- Cottage cluster standards
 - Same topics as required for single-detached and plexes, in addition to:
 - Maximum number of dwellings
 - Building footprint maximum
 - Cottage orientation
 - Courtyard design
 - Community building design requirements
 - Pedestrian access standards
 - Parking design standards
- In Section 60.30 (Off-street Parking), minimum parking standards are low enough to increase feasibility by leaving room on the site for homes and outdoor open areas.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.2.1 policy a(i).

ii. Allow a wider variety of housing choices that can accommodate a range of ages, household sizes and/or income levels while ensuring the new housing responds to the scale and form of the neighborhood.

Finding: Proposed changes that promote housing variety include:

- In Section 20.05.15 (Site Development Standards), allowing middle housing types in all residential zones, including MR (formerly R1), RMA (formerly R2), RMB (formerly R4 and R5), and RMC (formerly R7 and R10).
- In Section 20.05.15 (Site Development Standards), establishing smaller minimum lot sizes that allow duplexes, triplexes, quadplexes, townhomes and cottage clusters on most lots in neighborhoods where single-detached dwellings currently are allowed. Minimum lot sizes are low enough so most lots in Beaverton can accommodate multiple housing types.
- In Section 20.05.15 (Site Development Standards), allowing duplexes, triplexes and quadplexes to have a slightly higher maximum floor area than single-detached dwellings to improve feasibility and promote reasonably sized units. These floor area maximums support buildings that can be a variety of sizes, small enough to support one- or two-person households, such as older adults that would like to age in their community, and large enough to accommodate family-friendly homes and multigenerational living.
- In Section 20.05.15 (Site Development Standards), including a provision that requires housing variety for residential developments in the South Cooper Mountain Community Plan.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.2.1 policy a(ii).

iii. Manage transitions between different uses and housing types.

Finding: Table 60.05-02 (Minimum Landscape Buffer Requirements Between Contrasting Districts) has been updated to respond to buffer requirements among the proposed RMA, RMB and RMC districts.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.2.1 policy a(iii).

iv. In areas well-served by transit, amenities and services, offer more flexibility for infill housing and innovative housing types that meet city goals for affordability and livability, and provide housing for diverse household sizes, types, and age ranges.

Finding: The proposed text amendment includes two residential zoning districts, RMA and RMB (found in Section 20.05 Residential Land Use Districts), that provide the opportunity to have additional housing variety and density near transit and services. RMA and RMB are the implementing zoning districts for the Medium Density Neighborhoods designation, which aims to focus the highest density housing closest to transit, commercial services, parks, and/or other

amenities, and to provide convenient access to these amenities by as many households as possible.

In addition, the proposed text amendment includes more flexible site development and design standards in RMA and RMB, which makes it easier to develop infill housing and other innovative housing types. For example:

- In Section 20.05.15 (Site Development Standards), allowing smaller lots, a variety of minimum lot sizes for different housing types, and minimum densities to ensure efficient use of the land that supports different types of houses that can be built.
- In Section 20.05.15 (Site Development Standards), smaller front, rear, and in some cases, side setbacks, in RMB and RMC (compared to the current code) provide more flexibility in siting buildings.
- In Section 20.05.20 (Land Uses), allowing more types of housing and more housing units on vacant land within the city and on properties that could redevelop to add units.
- In Section 20.30 (Additional Height Limitations in RMB and RMC), the proposed amendment includes additional height limitations in RMB and RMC; however, these do not apply to MR and RMA, which are typically closer to transit. In addition, MR already allows a maximum building height of 60 feet, and RMA allows a maximum building height of 40 feet, which makes it easier to build denser housing with at least four stories near transit.
- In Section 60.05.60 (Design Standards for Single-Detached Dwellings and Middle Housing), providing flexible standards so property owners have more choices when it comes to site and building design.
- In Section 60.30 (Off-Street Parking), establishing minimum parking standards that are low enough to increase feasibility by leaving room on the site for larger homes and/or more units.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.2.1 policy a(iv).

v. Encourage site and building design features, including setbacks and sight lines, that minimize impacts to sunlight and privacy for existing adjacent homes.

Finding: The proposed amendment introduces new Section 20.30.10 (Additional Height Limitations) which limits building volume close to some property lines in RMB and RMC to reduce shading and increase privacy somewhat for existing adjacent homes.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.2.1 policy a(v).

Goal 3.3.1: Promote sustainable development, resilience, and resource protection.

Policy a) Use land effectively in urban areas to relieve development pressure in rural areas and help protect farms, forests and natural resources.

Finding: Section 20.05 (Residential Land Use Districts) provides the opportunity to have additional housing variety and density in the MR, RMA, RMB and RMC zones. The text amendment proposes minimum densities of 7 units per acre in RMC, 10 units per acre in RMB and 17 units per acre in RMA, with much higher densities allowed because of the variety of housing types allowed and reduced minimum lot sizes in the proposed Development Code amendments. The RMA, RMB, and RMC zones allow single-detached homes, duplexes, triplexes, quadplexes, townhomes and cottage clusters, and RMA and MR allow multi-dwellings (such as apartments). The flexibility and available density ensure effective and efficient use of land within urban areas to relieve development pressure in rural areas and protect farms, forests, and natural resources.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.3.1 policy a.

Policy c) Encourage and incentivize sustainable building and site design approaches that minimize environmental impacts of the built environment while creating healthy, safe places for people to live, work and play, through:

i. Energy conservation and renewable energy.

Finding: The proposed text amendment includes the following provisions to support energy conservation, including:

- In Section 20.05.15, allowing smaller lots, a variety of minimum lot sizes for different housing types, and minimum densities to ensure efficient use of the land and allow the creation of smaller units that tend to use less energy than larger units.
- In Section 20.05.15, requiring adequate setbacks to ensure the availability of light, wind and air, including 15-foot rear setbacks and 10-foot front setbacks.
- In Section 20.05.20, allowing more types of housing and more housing units on vacant land within the city and on properties that could redevelop to add units.
- In Section 60.05.60, providing flexible standards so site and building design can respond to the site, climate, and renewable energy opportunities.

- In Section 60.05.60, requiring outdoor open areas and tree plantings in most situations. Both requirements can provide more greenery, which counters the urban heat island effect that happens when urbanized areas with buildings and paved areas absorb and re-emit solar energy.
- In Chapter 90, allowing duplexes, triplexes and quadplexes to be detached, which provides the opportunity for each unit to install its own renewable energy systems, or attached, which has the benefits of shared walls and allows the building owner to add renewable energy sources to the entire structure.

The Development Code amendment deletes Section 60.45 (Solar Access Protection), which currently only apply to the R5, R7 and R10 zones. This section of code was written to ensure solar access to single-detached dwellings, and there is no practical way to apply the standards to the mix of housing types allowed in the proposed RMA, RMB and RMC zones. It also would take significant work to determine how to make them entirely clear and objective and compliant with state laws regarding middle housing and middle housing land divisions.

Issues include:

- Solar access standards in the section proposed for deletion are calibrated for single homes on larger lots. For example, some provisions limit development on a certain portion of the lot, which might not be an issue on a 7,000-square-foot lot but likely would be more of a constraint on lots between 2,000 square feet and 5,000 square feet that are allowed in many locations in RMA, RMB and RMC. Those limitations might mean there is not enough room for a duplex, triplex, quadplex on smaller lots where outdoor open space and parking are required.
- Not all provisions use clear and objective standards, including Section 60.45.10.5.B, which is proposed for deletion, that requires a judgement about “significant development amenities” and “significant diminution in the market value.”
- Many of the provisions could cause “unreasonable cost or delay” for middle housing, which state law does not allow.
- As the code is written, a large percentage of lots would be exempted because the code assumes a “shadow pattern” from districts that are not single-family residential zones, which includes RMA, RMB and RMC. The shadow pattern is the “from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.” That means the shadow is assumed to be a 35-foot-tall or 40-foot-tall building at the abutting

properties' setbacks, which would generate large shadows on many lots and make them exempt from the requirements.

- State law (Senate Bill 458 from 2021) requires cities to allow middle housing land divisions to facilitate fee-simple sales of middle housing. For example, a property could build a duplex and then create "child lots" under each duplex so the units could be sold rather than rented. State law does not allow the city to apply many of the solar access standards to those lots.

ii. Reducing resource consumption and waste.

Finding: The proposed text amendment includes the following provisions to reduce resource consumption and waste, including:

- In Section 60.05.60, incorporating site design requirements that require developments to provide space for solid waste and recycling containers to promote recycling.

vi. Designing for adaptability over time.

Finding: The proposed text amendment includes the following provisions to design for adaptability over time, including:

- In Section 20.05.15, allowing higher maximum floor area for middle housing types so that single-detached dwellings can be converted to larger buildings with more units over time.
- In Section 20.05.15, allowing existing single-detached buildings and middle housing to exceed the maximum allowed floor area by up to 500 square feet above the maximum allowed floor area, which provides more opportunities for adapting existing homes over time.
- In Chapter 90, allowing duplexes, triplexes and quadplexes to be detached, which allows property owners to keep the existing building on site and add new units, as opposed to demolishing the existing home and rebuilding a new structure.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.3.1 policy c.

Goal 3.4.1: Provide effective and inclusive planning and development review services.

Policy a) Ensure that development regulations are consistent with and implement the Comprehensive Plan.



Finding: The existing Development Code rules and processes have been found to be consistent with the Comprehensive Plan in the past and this entire section addresses the proposed amendment's consistency with the Comprehensive Plan. In addition, the concurrent CPA 2022-0004 adjusts the Comprehensive Plan to be consistent with state law, and the Development Code changes are consistent with those Comprehensive Plan updates as well.

Specifically, Chapter 3 of the Comprehensive Plan provides land use designations and corresponding implementing zoning districts (found in the proposed Comprehensive Plan and Zoning District Matrix under Goal 3.4.1) that provide the opportunity to have additional housing variety and density throughout the Neighborhoods land use designations and corresponding implementing zones (RMA, RMB, and RMC), but also include policy changes that indicate zoning with additional density is appropriate near transit and services.

For example, proposed Policy d) under Goal 3.8.2 indicates that "Implementing zones with higher minimum density may be applied relatively closer to transit, major intersections or highway interchanges, and implementing zones with lower minimum density may be applied farther from those areas." Other site development standards in Section 20.05.15 are also tailored to reflect the intent of the different Neighborhoods land use designations in the Comprehensive Plan.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.4.1 policy a.

Policy b) Ensure that land use planning, notification, and public involvement procedures and processes are inclusive and provide meaningful opportunities for engagement by all community members.

Finding: Section 40.21. Single-Detached and Middle Housing Design Review is a new section that includes three new application types: Single-Detached and Middle Housing Design Review One (a Type 1 application), Single-Detached and Middle Housing Design Review Two (a Type 2 application), and Single-Detached and Middle Housing Design Review Three (a Type 3 application). Section 50.40 (Type 2) and Section 50.45 (Type 3) include noticing requirements. In addition, Section 50.30 (Neighborhood Review Meeting) also confirms that a neighborhood meeting is required prior to submittal of an application subject to a Type 3 procedure. The existing procedures for Type 1, 2 and 3 applications are in compliance with the Comprehensive Plan.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.4.1 policy b.

Policy c) Expand outreach to under-represented populations and increase participation in community activities by posting event and service notices in multiple venues and providing information in multiple languages, consistent with the city’s language access practices.

Finding: Compliance with Comprehensive Plan Goal 3.4.1 policy c was described above in findings for Comprehensive Plan Goal 2 in the Community Involvement Element. Those findings, which describe outreach to under-represented populations, and translation and interpretation services, are incorporated here by reference.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.4.1 policy c.

Policy d) Apply zoning districts consistent with Comprehensive Plan policies; applicable Community Plans; adopted Comprehensive Plan designations, as identified in the Comprehensive Plan and zoning district matrix, below; and the following policies:

- o **i.** New zoning districts consistent with applicable Comprehensive Plan policies may be added or modified as needed to address area-specific needs or changing circumstances.

Finding: The Comprehensive Plan amendment 2022-0004 proposes changes to the Comprehensive Plan and zoning district matrix to comply with 2019’s House Bill 2001, which is state law, and Oregon Administrative Rules 660 Division 46: Middle Housing in Medium and Large Cities. These amendments delete “Low Density Neighborhoods” as a designation, change the name of “Standard Density Neighborhoods” to “Lower Density Neighborhoods” and change the implementing zones for all three land use designations to designate which of the new and renamed zoning districts are implementing districts in each land use designation. See Table 1: Proposed Comprehensive Plan and Zoning Matrix changes on page # of this report. The consistency with the Comprehensive Plan is described under Section 1.5.1.A.2 of this staff report. Future zoning district applications will follow the policies in the proposed amendments if they are approved and become effective. Proposed amendments TA2022-0002 and ZMA2022-0004 apply the zoning districts consistent with the proposed Comprehensive Plan amendments described in this staff report.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.4.1 policy d.



Goal 3.8.1. Complete and livable neighborhoods

Policy a) Regulate maximum residential density by zone to maintain a balance between planned land uses and infrastructure capacity.

Finding: State law says the city cannot use maximum density (where single-detached homes are allowed) unless it goes through a special approval process, so the proposed text amendment relies on minimum lot size and minimum density instead.

This is also why CPA 2022-0004 includes an amendment that includes minimum lot size in addition to minimum density (the new language reads “regulate maximum residential density and/or minimum lot area by zone to maintain a balance between planned land uses and infrastructure capacity.”)

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.1 policy a.

Policy b) Regulate minimum residential density to ensure efficient use of residential land and meet regional housing needs:

- i. Generally, the zoning code should require that residential development achieve at least 80% of the maximum density allowed in the applicable zoning district.

Finding: State law says the city cannot use maximum density (where single-detached dwellings are allowed) unless it goes through a special approval process, so the proposed text amendment relies on minimum density instead. This is why CPA 2022-0004 includes an update that reads, “Generally, the zoning code should require that residential development achieve at least 80% of the maximum density, where applicable, allowed in the applicable zoning district.” The addition of “where applicable” addresses the change in state law what maximum density cannot be used in some areas.

As a result, Section 20.05.15 (Residential Land Use Districts) does not calculate minimum density based on maximum density. Instead, Section 20.05.15 proposes minimum densities of 7 units per acre in RMC, 10 units per acre in RMB and 17 units per acre in RMA, with much higher densities allowed because of the variety of housing types allowed and reduced minimum lot sizes in the proposed Development Code amendments.

The RMA, RMB, and RMC zones allow single-detached homes, duplexes, triplexes, quadplexes, townhomes and cottage clusters, and RMA and MR allow multi-dwellings (such as apartments). The flexibility and available density ensure effective and efficient use of land within urban areas to relieve development pressure in rural areas and protect farms, forests, and natural resources.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.1 policy b(i).

ii. Minimum densities should be calculated excluding significant natural resource areas and other constrained lands.

Finding: Minimum density is calculated by net acreage. The net acreage for a site is defined as the proposal size expressed in acreage minus any unbuildable area. The following areas are deemed undevelopable for the purposes of calculating net acreage: (a) environmentally constrained lands, such as open water areas, floodplains, water quality facilities, wetlands, natural resource areas, tree preservation areas, and Habitat Benefit Areas set aside in conservation easement, separate tract, or dedicated to a public entity; (b) land set aside in separate tracts or dedicated to a public entity for parks, or open space purposes; and (3) topographical features with a slope equal to or greater than 25 percent and within a landslide hazard area may deduct 100 percent of the applicable area, or 15 percent and within a landslide hazard area may deduct 50 percent of the applicable area. Even though the proposed amendment does make changes to minimum density, as described above in Findings for Comprehensive Plan Goal 3.8.1 policy b(i), it does not change the fact that minimum density currently, and will continue to, exclude significant natural resources and other constrained lands from minimum density calculations.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.1 policy b(ii).

Policy c) Allow flexibility through lot size averaging and other tools to provide flexibility and housing variety while maintaining an overall density consistent with the Comprehensive Plan designation and zoning.

Finding: Proposed changes that promote flexibility and housing variety include:

- In Section 20.05.15, allowing smaller lots, a variety of minimum lot sizes for different housing types, and minimum densities to ensure efficient use of the land that supports different types of houses that can be built.
- In Section 20.05.15 (Site Development Standards), smaller front, rear, and in some cases, side setbacks, in RMB and RMC (compared to the current code) provide more flexibility in siting buildings to protect trees, orienting buildings along an east-west axis to take advantage of daylighting and solar collection opportunities, and creating more opportunities for accessible living where a kitchen, bathroom, bedroom and living area could be on the ground floor.

- In Section 20.05.20 (Land Uses), allowing more types of housing and more housing units on vacant land within the city and on properties that could redevelop to add units.
- In Section 60.05.60 (Design Standards for Single-Detached Dwellings and Middle Housing), providing flexible standards so site and building design can respond to the site, climate, and renewable energy opportunities. For example, a tree preservation incentive allows some housing types to be up to 600 square feet larger than the maximum allowed floor area if trees are preserved on site.
- In Section 60.30 (Off-street Parking), minimum parking standards are low enough to increase feasibility by leaving room on the site for homes and outdoor open areas.

The proposed text amendment deletes lot averaging standards from the code because they were intended to provide flexibility for single-detached dwellings on larger lots in larger developments. Since the proposed text amendment reduces minimum lot sizes for single-detached dwellings in RMA, RMB and RMC, lot averaging has been removed from Section 20.05.15.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.1 policy c.

Policy e) Provide opportunities for a variety of housing types in all residential plan designations while maintaining a scale and character consistent with the intent of each plan designation.

Finding: Proposed changes that support housing variety include:

- In Section 20.05.15, allowing smaller lots, a variety of minimum lot sizes for different housing types, and minimum densities to ensure efficient use of the land that supports different types of houses that can be built.
- In Section 20.05.20 (Land Uses), allowing more types of housing and more housing units on vacant land within the city and on properties that could redevelop to add units.

Proposed changes that support maintaining scale and character consistent with the intent of each plan designation include additional height limitations in Sections 20.05.15 and 20.30. In RMB and RMC additional height limitations are proposed to apply at the front and/or rear setback line for single-detached homes, duplexes, triplexes and quadplexes. For both zones, the maximum building height at the rear setback line is proposed to be 25 feet. In RMB, height limit would increase from the rear setback and a 45-degree angle until it reached the maximum height of 35 feet.

In RMC, the height limit at both the rear and front setbacks is proposed to be 25 feet, and the maximum height would increase at a 45-degree angle from both the front and rear until it reached the maximum height of 35 feet. See Table 10 for building height maximums by zone and Figure 5 for an illustration.

Table 10: Building height maximums by housing type

Housing type	RMA	RMB	RMC
Single-detached, duplex, triplex and quadplex	40 feet	35 feet	35 feet
Townhouse	40 feet	35 feet	35 feet
Cottage cluster	25 feet	25 feet	25 feet

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.1 policy e.

Policy f) Facilitate development of housing that is affordable to a range of incomes, including low-income households.

Finding: The proposed text amendment applies the RMA, RMB, and RMC zones, which all allow housing variety including duplexes, triplexes, quadplexes, townhouses and cottage clusters, where the current R2, R4, R5, R7, and R10 zones now exist on the Zoning Map. Many of the locations currently in R2 through R10 are near transit, employment areas, and commercial areas where shops and services are available. This will allow a wide variety of housing types in a range of configurations that can meet the housing needs of a wider range of people. This will expand housing options in areas where typically only single-detached dwellings were allowed, which often meant that allow more expensive housing options were available in most residential areas throughout the city. This will mean people with different household sizes or incomes will have more opportunities to reside where there are opportunities to live, work, and meet daily needs near their home or where those destinations can be easily reached by transit, especially as compared to neighborhoods where only single-detached homes are allowed.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.1 policy f.

Policy h) Use Crime Prevention through Environmental Design (design that provides opportunities for “eyes on the street” through street-facing windows and doors) to reduce graffiti, vandalism and other property crimes and to promote a feeling of safety for pedestrians.

Finding: In Section 60.05.60 (Design Standards for Single-Detached Dwellings and Middle Housing), design standards in RMA, RMB and RMC require a minimum 15 percent window percentage facing the street and require a doorway facing the street. The design standards also require outdoor open areas and other features to promote community. A side effect of these standards is that they create more interaction between the private property and public property, which could provide a sense of safety for many community members.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.1 policy h.

Policy i) Require subdivisions and development on large sites to create a connected network of pedestrian ways, local streets, and other multimodal connections, including connections to adjacent properties or opportunities to connect in the future.

Finding: Proposed changes to Section 60.05.60 include design standards and guidelines for pedestrian ways in cottage clusters. Proposed changes to Section 60.55.25 (Street and Bicycle and Pedestrian Connection Requirements) include new pedestrian circulation requirements for single-detached dwellings and middle housing, requiring a pedestrian way to connect at least one main entrance of each residential structure to at least one adjacent public street and to be hard-surfaced and a minimum of five (5) feet wide. Also, in Section 60.55.25, the proposed amendment limits average block length in a development to 300 feet for sites in the South Cooper Mountain area larger than 2 acres where the streets do not exist, or where new streets are proposed.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.1 policy i.

Goal 3.8.2. Low and Standard Density Neighborhoods: Provide residential neighborhoods that emphasize detached housing and integrate parks, schools, and other community institutions

Policy a) Allow and encourage a variety of housing types that respond to the scale and form of existing neighborhoods as a way to increase housing options within established neighborhoods while recognizing neighborhood character.

Finding: The proposed changes to RMA, RMB and RMC allow for a variety of housing options with flexible development rules that allow the development of housing in a variety of configurations and sizes. These housing types include single-detached homes, duplexes, triplexes, quadplexes, townhouses, and cottage clusters. Site and building design standards in the TA 2022-0002 proposed Development Code

amendments also include height, bulk, setback, tree planting, parking and other standards that allow single-detached homes and middle housing in a way that considers context and neighborhood character. The text amendments for implementing zones in this land use designation also propose different zones that reflect the geographies of the current zoning districts. RMB (currently the R4 and R5 zones), and RMC (currently the R7 and R10 zones). Standards for minimum lot size, minimum density, maximum floor area ratio and other requirements vary according to the three zones so the Development Code can recognize neighborhood character and context.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.2 policy a.

Policy b) Establish zoning regulations that allow housing at generally the following residential densities, while allowing for flexibility as described under Goal 3.8.1:

- o **i.** Low Density Neighborhoods: one dwelling unit per 10,000-12,500 square feet of residential land area.
- o **ii.** Standard Density Neighborhoods: one dwelling unit per 5,000-10,000 square feet of residential land area.

Finding: Policy b) is proposed for revision through CPA 2022-0004 because state law and Oregon Administrative Rules 660 Division 46 require Beaverton to allow middle housing in areas where single-detached homes are allowed, and maximum densities cannot be applied to limit the development of middle housing. The proposed Development Code amendments regulate these uses by minimum lot size in RMB and RMC, and in some cases, in RMA too. The proposed amendment to Policy b) reflects the new regulatory environment and, if approved, would read: “Establish zoning regulations that allow housing variety at low-to-medium densities, with the lowest minimum density of 7 units per acre.”

Findings that address allowing for flexibility were described above in findings for Comprehensive Plan Goal 3.8.1 policy c. Those findings are incorporated here by reference.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.1 policy b.

Policy c) Provide adequate flexibility on development standards (e.g., setbacks and lot coverage) to make development of single-story housing feasible.

Finding: Compliance with Comprehensive Plan Goal 3.8.2 policy c was described above in findings for Comprehensive Plan Goal 3.8.1 policy c. Those findings, which



describe flexibility on development standards for single-detached dwellings and middle housing, are incorporated here by reference.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.2 policy c.

Goal 3.8.3. Medium and High Density Neighborhoods: Provide for a variety of housing types and higher residential densities in areas with more amenities and transit service

Policy a) Provide for a variety of housing types, with an emphasis on multifamily and attached single-family housing.

Finding: Proposed Comprehensive Plan land use designations in CPA 2022-0004 and their corresponding implementing zones, including MR, RMA, and RMB, allow for a variety of housing options with flexible development rules that allow the development of housing in a variety of configurations and sizes. These housing types include single-detached homes (except in MR), duplexes, triplexes, quadplexes, townhouses, and cottage clusters, as well as multi-dwellings (apartments with five or more units) in MR and RMA.

In CPA 2022-0004, Comprehensive Plan Goal 3.8.3 policy a) is proposed to be revised to read: "Provide for a variety of housing types, including single-detached homes, while emphasizing multi-dwelling and middle housing." Proposed changes in TA 2022-0002 also align with the updated in language in Goal 3.8.3 policy a.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.3 policy a.

Policy b) Establish zoning regulations that allow housing at generally the following residential densities, while allowing for flexibility as described under Goal 3.8.1:

- o **i.** Medium Density Neighborhoods: one unit per 2,000-5,000 square feet of residential land area
- o **ii.** High Density Neighborhoods: one unit per 1,000-2,000 square feet of residential land area

Finding: Policy b) is proposed for revision in CPA2022-0004 because state law and Oregon Administrative Rules 660 Division 46 require Beaverton to allow middle housing in areas where single-detached zoning is allowed, and maximum densities cannot be applied to limit the development of middle housing. The proposed Development Code amendments regulate these uses by minimum lot size in RMA and RMB. MR and RMA still regulate multi-dwellings using maximum density (expressed as minimum land area per dwelling unit). The proposed amendment to

Policy b) reflects the new regulatory environment and, if approved, would read: “Establish zoning regulations that allow housing that is consistent with the following residential density policies, while allowing for flexibility as described under Goal 3.8.1:

- o i. Medium Density Neighborhoods: allow housing variety at medium densities, with the lowest minimum density at 10 units per acre.
- o ii. High Density Neighborhoods: one unit per 1,000 square feet of residential land area.”
- o In MR, minimum density remains 1,000 square feet of residential land area per unit. In RMA, the proposed minimum density is 17 units per acre. In RMB, the proposed density is 10 units per acre.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.3 policy b.

Policy e) Ensure that the internal circulation system for larger developments creates direct and desirable pedestrian and bicycle routes and connects to adjacent local streets wherever possible.

Finding: Proposed changes to Section 60.05.60 include design standards and guidelines for pedestrian ways in cottage clusters. Proposed changes to Section 60.55.25 (Street and Bicycle and Pedestrian Connection Requirements) include new pedestrian circulation requirements for single-detached dwellings and middle housing, requiring a pedestrian way to connect at least one main entrance of each residential structure to at least one adjacent public street and to be hard-surfaced and a minimum of five (5) feet wide.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.3 policy e.

Policy f) Allow for innovative housing types and designs that are consistent with the other policies for these neighborhoods to accommodate projected growth and meet the diverse housing needs of the community.

Finding: Compliance with Comprehensive Plan Goal 3.8.3 policy f was described above in findings for Comprehensive Plan Goal 3.8.1 policy c. Those findings, which describe flexibility on development standards for single-detached dwellings and middle housing, and thus, innovative approaches to different housing types, are incorporated here by reference.

In addition, the proposed amendments include design standards that would be reviewed through a Type 1 process, which is a Planning Director decision (staff review) with no public notice requirement. Some standards also have more flexible,

discretionary reviews available, both Type 2 (staff review with public notice required) and Type 3 (Planning Commission review with public notice and a public hearing required). The discretionary processes could be used if applicants elect to vary from the design standards, such as to address site constraints or explore more innovative approaches to middle housing.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.3 policy f.

Comprehensive Plan Chapter 4: Housing Element

Goal 4.1.1. Provide an adequate supply of housing to meet future needs

Policy a) Use available land within the city efficiently, encouraging new residential development to take advantage of allowed maximum densities where appropriate.

Finding: In CPA 2022-0004, Chapter 3 Comprehensive Plan amendments provide land use designations and corresponding implementing zoning districts (found in the proposed Comprehensive Plan and Zoning District Matrix under Goal 3.4.1) that provide the opportunity to have additional housing variety and density throughout the Neighborhoods designation. The Comprehensive Plan amendments propose minimum densities of 7 units per acre in RMC, 10 units per acre in RMB and 17 units per acre in RMA, with much higher densities allowed because of the variety of housing types allowed and reduced minimum lot sizes in the proposed Development Code amendments.

In the proposed amendments in TA 2022-0002, the RMA, RMB, and RMC implementing zones allow single-detached homes, duplexes, triplexes, quadplexes, townhomes and cottage clusters, and RMA and MR allow multi-dwellings (such as apartments). The flexibility and available density ensure effective and efficient use of land within urban areas to relieve development pressure in rural areas and protect farms, forests, and natural resources.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.1.1 policy a.

Policy b) Support higher density infill development that capitalizes on existing infrastructure and where impacts can be mitigated.

Finding: The proposed MR, RMA, RMB, and RMC zones allow for a variety of housing options with flexible development rules that allow the development of housing in a variety of configurations and sizes. These housing types include single-detached homes, duplexes, triplexes, quadplexes, townhouses, and cottage clusters, as well as multi-dwellings (apartments with five or more units) in MR and RMA. The proposed

amendments will allow infill development to occur, which will add to the housing supply. Impacts are mitigated through design standards implemented through the proposed amendments, which include setbacks, buffers, outdoor open area, tree planting requirements, context-sensitive height limitations, and other methods.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.1.1 policy b.

Policy f) Strive to meet the city's future housing demand within city limits, while coordinating with Washington County and Metro to assess future housing needs at a larger geographic scale, especially for detached single family units.

Finding: Proposed changes that promote building a greater variety of housing, which can help address housing demand, include:

- In Section 20.05.15, allowing smaller lots, a variety of minimum lot sizes for different housing types, and minimum densities to ensure efficient use of the land that supports different types of houses that can be built.
- In Section 20.05.20 (Land Uses), allowing more types of housing and more housing units on vacant land within the city and on properties that could redevelop to add units.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.1.1 policy f.

Policy h) Provide an efficient, consistent, and reliable development review process.

Finding: Compliance with Comprehensive Plan Goal 4.1.1 policy h was described above in findings for Comprehensive Plan Goal 3.4.1 a. Those findings, which describe an effective and inclusive development review, are incorporated here by reference.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.1.1 policy h.

Goal 4.2.1. Provide a variety of housing types that meet the needs and preferences of residents

Policy a) Ensure that sufficient land is appropriately zoned to meet a full range of housing needs, including an adequate amount of detached single family housing to meet projected demand.

Finding: The proposed changes to RMA, RMB and RMC allow for a variety of housing options with flexible development rules that allow the development of housing in a

variety of configurations and sizes. These housing types include single-detached homes, duplexes, triplexes, quadplexes, townhouses, and cottage clusters.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.2.1 policy a.

Policy c) Identify and research emerging housing types and regularly consider appropriate updates to the Development Code to allow for their development.

Finding: Compliance with Comprehensive Plan Goal 4.2.1 policy c was described above in findings for Comprehensive Plan Goal 3.8.1 policy c. Those findings, which describe flexibility on development standards for single-detached dwellings and middle housing, and thus, innovative approaches to emerging housing types, are incorporated here by reference.

In addition, the proposed amendments include design standards that would be reviewed through a Type 1 process, which is a Planning Director decision (staff review) with no public notice requirement. Some standards also have more flexible, discretionary reviews available, both Type 2 (staff review with public notice required) and Type 3 (Planning Commission review with public notice and a public hearing required). The discretionary processes could be used if applicants elect to vary from the design standards, such as to address site constraints or explore more innovative approaches to emerging housing types.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.2.1 policy c.

Policy d) Incentivize the development of housing types that are needed but not currently being provided in adequate numbers by market forces, such as single level detached homes and larger multifamily rental units.

Finding: Proposed changes incentive by certain housing types by:

- In Section 20.05.15 (Site Development Standards), allowing duplexes, triplexes and quadplexes to have a slightly higher maximum floor area than single-detached dwellings to improve feasibility and promote reasonably sized units. These floor area maximums support buildings (homeownership and rental options) that can be a variety of sizes, small enough to support one- or two-person households, such as older adults that would like to age in their community, and large enough to accommodate family-friendly homes and multigenerational living.
- In Section 20.05.15 (Site Development Standards), reducing front, rear, and in some cases, side setbacks, in RMB and RMC (compared to the current code)

so that there are more opportunities for single level living because there is more room on the site to accommodate a kitchen, bathroom, bedroom and living area on the ground floor.

- In Section 40.45, allowing middle housing land divisions to facilitate fee-simple sales of middle housing. For example, a property could build a duplex and then create “child lots” under each duplex so the units could be sold rather than rented.
- In Chapter 90, allowing duplexes, triplexes and quadplexes to be detached, which means that detached middle housing units sold fee-simple could resemble single-detached dwellings on smaller lots.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.2.1 policy d.

Policy f) Encourage the development of a variety of housing types within planned unit developments and other large projects, which can serve to improve the aesthetic character of the neighborhood and provide housing choices for different income levels.

Finding: Proposed changes that support housing variety in large projects and planned unit developments include:

- In Chapter 20, in Residential, Commercial and Multiple Use Land Use districts, adding a provision that requires housing variety for residential developments in the South Cooper Mountain Community Plan.
- In Section 20.05.15, allowing smaller lots, a variety of minimum lot sizes for different housing types, and minimum densities to ensure efficient use of the land that supports different types of houses that can be built. This change expands options for large projects to provide housing variety.
- In Section 60.50.60, creating a new section for design standards and guidelines that apply to single-detached dwellings and middle housing, which can improve the aesthetic character of neighborhoods in larger projects.
- In Section 60.35, updating the Planned Unit Development section to mesh with the new standards in RMA, RMB, and RMC and establishing clear and objective standards for South Cooper Mountain that ensure the city can implement the South Cooper Mountain Community Plan. The standards will address topics such as street connections, trails, and open space requirements, which greatly affect neighborhood aesthetics.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.2.1 policy f.

Goal 4.4.1. Encourage the development and preservation of fair and affordable housing

Policy a) Evaluate and address the potential impacts of new development on the loss of unregulated affordable housing units.

Finding: The proposed text amendment includes the following provisions to design for adaptability of existing homes, which can reduce the likelihood that an existing, relatively affordable single-detached home could be demolished and replaced with newer, more expensive housing:

- In Section 20.05.15, allowing higher maximum floor area for middle housing types so that single-detached dwellings can be converted to larger buildings with more units over time.
- In Section 20.05.15, allowing existing single-detached buildings and middle housing to exceed the maximum allowed floor area by up to 500 square feet above the maximum allowed floor area, which provides more opportunities for adapting existing homes over time.
- In Chapter 90, allowing duplexes, triplexes and quadplexes to be detached, which allows property owners to keep the existing building on site and add new units, as opposed to demolishing the existing home and rebuilding a new structure.

In addition, staff hired an ECONorthwest, an independent economic consulting firm, to conduct a middle housing development feasibility analysis, which included a displacement risk analysis. On July 26, 2021, ECONorthwest released their findings in a memo titled, “Beaverton Housing Options Project: Middle Housing Development Feasibility.” (Exhibit 6) The conclusions regarding the displacement risk analysis read as follows, “while middle housing development can expand housing supply and options, it can also potentially lead to redevelopment of existing homes. Because homeowners generally determine when to sell or make major modifications to their property (like converting to middle housing), there is little risk of involuntary displacement for homeowners. For renter-occupied homes, a property owner’s decision to redevelop the property could require renters to move out, which can create hardships, particularly lower-income households and those who are more likely to experience discrimination in the housing market. While this impact can be substantial at the individual household level, there only a few of the likely rental properties that fall into categories where redevelopment is likely, or even possible. These few properties are in Central Beaverton and inner Southwest Beaverton.”

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.4.1 policy a.

Goal 4.5.1. Ensure that Beaverton continues to be one of the most livable communities in the region

Policy a) Encourage quality design throughout the city that acknowledges neighborhood character, provides safe and direct connections for pedestrians and bicyclists to a variety of destinations, and integrates open space, natural resources and scenic view corridors.

Finding: The proposed text amendment promotes quality design by:

- In Section 60.50.60, creating a new section for design standards and guidelines that apply to single-detached dwellings and middle housing. These standards are organized by housing type and cover the following topics:
 - Single-Detached Dwelling, Duplex, Triplex, and Quadplex Standards
 - Entries, location
 - Windows, percentage facing street
 - Outdoor open area, minimum requirements by lot size and design requirements
 - Tree planting, tree preservation and planting standards, with fee in lieu option for planting
 - Garages and off-street parking areas, limit on percentage along street frontage
 - Driveway location and driveway approaches
 - Solid waste facilities
 - Townhouse standards
 - Same topics as required for single-detached and plexes, in addition to maximum number of units in a structure and driveway access standards
 - Cottage cluster standards
 - Same topics as required for single-detached and plexes, in addition to:
 - Maximum number of dwellings
 - Building footprint maximum
 - Cottage orientation
 - Courtyard design

- Community building design requirements
- Pedestrian access standards
- Parking design standards
- In Section 60.30 (Off-street Parking), establishing minimum parking standards that are low enough to increase feasibility by leaving room on the site for homes and outdoor open areas.
- In Section 60.55.25 (Street and Bicycle and Pedestrian Connection Requirements), including new pedestrian circulation requirements for single-detached dwellings and middle housing, which requires a pedestrian way to connect at least one main entrance of each residential structure to at least one adjacent public street and to be hard-surfaced and a minimum of five (5) feet wide.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.5.1 policy a.

Policy d) Engage the community in a continuing dialogue about the city’s anticipated population growth, limited land supply, and current housing trends.

Finding: Compliance with Comprehensive Plan Goal 4.5.1 policy d was described above in findings for Comprehensive Plan Goal 1 and Comprehensive Plan Goal 2 in the Community Involvement Element. Those findings, which describe community involvement outreach efforts, are incorporated here by reference. Engagement events connected to this project focused on the need to use land efficiently and provide a greater variety of housing to meet the city’s anticipated population growth.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.5.1 policy d.

Policy f) Provide flexible development standards for projects that exceed the minimum requirements for natural resource protection, open space and public gathering places, and energy efficiency.

Finding: Compliance with Comprehensive Plan Goal 4.5.1 policy f was described above in findings for Comprehensive Plan Goal 3.3.1 policy c. Those findings, which describe flexible development standards for projects that aim to promote energy efficiency, outdoor open areas and tree plantings, are incorporated here by reference.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.5.1 policy f.

Policy i) Provide adequate opportunities for residents to be involved in decisions affecting their neighborhoods.

Finding: Compliance with Comprehensive Plan Goal 4.5.1 policy i was described above in findings for Comprehensive Plan Goal 1 and Comprehensive Plan Goal 2 in the Community Involvement Element. Those findings, which describe community involvement outreach efforts, are incorporated here by reference. Engagement events provided adequate opportunities for residents to be involved in decisions affecting their neighborhoods.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.5.1 policy i.

Policy j) Review and reconsider minimum parking standards for new multiple family development.

Finding: The proposed amendments, in Section 60.30 (Off-street Parking), include reduced off-street parking requirements in part because there is significant and urgent need for housing and a greater variety of housing in the city. The proposed amendments also must be consistent with state law, which caps minimum parking requirements at one space per unit at the most – and for some housing types on some lot sizes even lower.

In addition, the proposed amendments in Section 60.30 allow the minimum parking spaces required to be reduced via on-street parking credits. The maximum reduction available with on-street credits would be one space per duplex, two spaces for triplexes and quadplexes, and one space per three cottages for cottage clusters. Single-detached homes and townhouses are not eligible for on-street credits.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.5.1 policy j.

Comprehensive Plan Chapter 6: Transportation

Goal 6.2.3. A safe transportation system

Policy h) Ensure that adequate access for emergency services vehicles is provided throughout the city.

Finding: Fire protection services are provided by Tualatin Valley Fire & Rescue (TVF&R). TVF&R will have the opportunity to review proposals, which includes single-detached dwellings and/or middle housing, ensuring that adequate access for emergency services vehicles is provided throughout the city.



Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 6.2.3 policy h.

Comprehensive Plan Chapter 7: Natural, Cultural, Historic, Scenic, Energy and Groundwater Resources Element

Goal 7.1.1. Balance development rights with natural resource protection

Policy a) Coordinate resource protection programs with affected local, state, and federal regulatory agencies, and notify them of development proposals within natural resource areas.

Finding: Applications for Single-Detached and Middle Housing Design Review are subject to an approval criterion that requires compliance with all applicable sections of Chapter 60, including Section 60.60 (Trees and Vegetation) and Section 60.67 (Significant Natural Resources).

The City of Beaverton has also adopted an inventory of wetland resources (Local Wetland Inventory) within the city's limits, pursuant to Statewide Planning Goal Five. As part of the development review process, if a development site contains wetlands, as identified on the Local Wetland Inventory map, notice of the proposed development is provided to the Oregon Department of State Lands. If necessary, permits from the Army Corps of Engineers may also be required. The City of Beaverton coordinates with Clean Water Services (CWS) on requirements associated with storm water drainage, treatment, and detention. CWS will have the opportunity to review proposals including single-detached dwellings and/or middle housing through the development review process.

Furthermore, Section 40.15 (Conditional Use), indicates that proposals shall comply with all applicable policies of the Comprehensive Plan, which includes the policies in Volume I, Chapter 7 (Natural, Cultural, Historic, Scenic, Energy and Groundwater Resources Element) and Volume III (Statewide Planning Goal Five Resource Inventory).

And last, Section 60.10.25 (Residential Uses in the Floodway Fringe) addresses which housing types are allowed in the floodway fringe. The proposed amendment reads, "Unless property is developed as a planned unit development, single-detached and duplex dwellings, even though allowed in the primary zone, are prohibited in the floodway fringe on any lot smaller in area than five acres," and, "All other residential uses, if allowed in the primary zone, are allowed only as Conditional Uses in the floodway fringe."

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 7.1.1 policy a.



Policy c) Allow for relaxation of development standards to protect significant natural and historic resources. Such standards may include but are not limited to minimum setbacks, maximum building height, minimum street width.

Finding: The proposed text amendment includes the following provisions to support the relaxation of development standards to protect significant natural and historic resources, including:

- In Section 20.05.15 (Site Development Standards), smaller front, rear, and in some cases, side setbacks, in RMB and RMC (compared to the current code) provide more flexibility in siting buildings to protect trees and orienting buildings along an east-west axis to take advantage of daylighting and solar collection opportunities.
- In Section 40.10 (Adjustment Application), the adjustment applications provide a mechanism by which certain regulations in the Development Code may be adjusted if special conditions or circumstances exist on the site which make it physically difficult or impossible to meet applicable development standards.
- In Section 40.95 (Variance Application), the variance application, similar to the adjustment applications, is intended to consider varying from certain Development Code provisions, where it can be shown that there are special or unusual circumstances on a development site.
- In Section 60.05.60 (Design Standards and Guidelines for Single-Detached Dwellings and Middle Housing), providing flexible standards so site and building design can respond to the site, climate, and renewable energy opportunities.
- In Section 60.05.60 (Design Standards and Guidelines for Single-Detached Dwellings and Middle Housing), a tree preservation incentive which allows some middle housing types to be up to 600 square feet larger than the maximum allowed floor area if trees are preserved on site.
- In Section 60.30 (Off-street Parking), minimum parking standards are low enough to increase feasibility by leaving room on the site for homes and outdoor open areas.
- In Chapter 90, allowing duplexes, triplexes and quadplexes to be detached, which allows property owners to keep the existing building on site and add new units that are sited without disturbing existing trees on the property, as opposed to demolishing the existing home and/or removing trees and then rebuilding a new structure.



Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 7.1.1 policy c.

Goal 7.3.1.1. Conserve, protect, enhance or restore the functions and values of inventoried Significant Natural Resources

Policy d) The City shall rely on its site development permitting process as the mechanism to balance the needs of development with natural resource protection.

Finding: The proposed text amendment relies on its site development permitting process by adopting regulations that address protection for resource areas and buffer areas while also recognizing that resource protection may affect the developable area of a site. These regulations include Beaverton Development Code Section 40.90 (Tree Plan), Section 60.60 (Trees and Vegetation), and Section 60.67 (Significant Natural Resources).

The City of Beaverton has also adopted an inventory of wetland resources (Local Wetland Inventory) within the city's limits, pursuant to Statewide Planning Goal Five. As part of the development review process, if a development site contains wetlands, as identified on the Local Wetland Inventory map, notice of the proposed development is provided to the Department of State Lands. Applicants are required to provide documentation from Clean Water Services to identify any water quality sensitive areas that exist on site or within 200 feet of the site. If sensitive areas are found on or near the site, the development may be subject to conditions of approval related to mitigation, enhancement or preservation. City of Beaverton Site Development staff, together with Clean Water Services staff ensure the development complies with the conditions.

Removal of Protected Trees is reviewed through the Tree Plan Two or Tree Plan Three application, depending on the percentage of trees being removed from an inventoried grove. Approval criteria require the applicant to demonstrate that the removal is necessary to accomplish public purposes, such as installation of public utilities, street widening, and similar needs, where no reasonable alternative exists without significantly increasing public costs or reducing safety. Mitigation may be required. Existing Design Review Standards in Section 60.05.25 of the Beaverton Development Code, encourage the preservation and integration of natural areas by allowing environmentally sensitive areas to count towards a site's minimum open space requirement. However, applicants will also have the option of requesting flexibility for some Beaverton Development Code standards through Design Review Guidelines, Adjustment or Variance applications where the preservation of natural resources may make it challenging to comply with applicable standards.



Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 7.3.1.1 policy d.

Policy e) Development within Significant Natural Resource areas shall be consistent with the relevant regulations or guidelines of the National Marine Fisheries Service, U.S. Fish and Wildlife Service, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, Oregon Division of State Lands, Clean Water Services, and the Oregon Department of Environmental Quality.

Finding: The Oregon Department of State Lands is notified anytime a proposed development site contains jurisdictional wetlands. The applicant must also obtain approval from the Army Corps of Engineers if necessary. City staff attempt to identify any Federal, State, and service providers' guidelines and regulations. The city continues to monitor and review policies and regulations as necessary, to ensure consistency with relevant regulations and guidelines.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 7.3.1.1 policy e.

Policy f) Specific uses of or development activities in Significant Natural Resources areas shall be evaluated carefully and those uses or activities that are complementary and compatible with resource protection shall be permitted. This is not intended to prohibit a land use permitted by the underlying zoning district but only to regulate the design of development such as building or parking location or type of landscaping.

Finding: Development with Significant Natural Resource Areas is subject to additional review by outside agencies such as Oregon Department of State Lands, Army Corps of Engineers, and Clean Water Services. These agencies often require mitigation or enhancement of natural areas where development is proposed, encouraging applicants to consider the site layout and extent of development.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 7.3.1.1 policy f.

Goal 7.3.3.1. Protect or enhance wetlands adopted as Significant Wetlands in the Local Wetland Inventory

Policy b) Development within the buffer area adjacent to a significant wetland shall be subject to restrictions on building, grading, excavation, placement of fill, and native vegetation removal.

Finding: The City of Beaverton requires applicants to submit documentation from Clean Water Services which identifies water quality sensitive areas on the site or

within 200 feet of the site. Development sites with wetlands are subject to Clean Water Services' and Department of State Lands regulations and guidelines. Where encroachment is proposed in identified sensitive areas or vegetated corridors, applicant's may be required to provide mitigation and enhance the natural area.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 7.3.3.1 policy b.

Goal 7.5.1. Development projects and patterns in the city that result in reduced energy consumption.

Finding: Compliance with Comprehensive Plan Goal 7.5.1 was described above in findings for Comprehensive Plan Goal 3.3.1 policy c. Those findings, which describe flexible development standards for projects that aim to promote energy efficiency, are incorporated here by reference.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 7.5.1.

Goal 7.5.2. Increased use of solar energy and other renewable energy resources in new development in the City

Policy b) Encourage higher density development where appropriate.

Finding: The proposed text amendment includes two residential zoning districts, RMA and RMB (found in Section 20.05 Residential Land Use Districts), that provide the opportunity to have additional housing variety and density near transit and services. RMA and RMB are the implementing zoning districts for the Medium Density Neighborhoods designation, which aims to focus the highest density housing closest to transit, commercial services, parks, and/or other amenities, and to provide convenient access to these amenities by as many households as possible. The proposed amendment also allows more density in RMC, which currently is found near transit lines and commercial areas in parts of the city. In addition, MR would retain the density standards of R1.

The RMA, RMB, and RMC zones each have a designated minimum density. The minimum densities established in RMA (17 units per acre), RMB (10 units per acre), and RMC (7 units per acre) are equal to or greater than the densities established in the zones they replace (R2, R4, R5, R7, and R10). The zones also have no maximum density and allow a wider variety of housing types.

Section 20.05 (Residential Land Use Districts) also provides the opportunity to have additional housing variety and density in the MR, RMA, RMB and RMC zones. The RMA, RMB, and RMC zones allow single-detached homes, duplexes, triplexes,

quadplexes, townhomes and cottage clusters, and RMA and MR allow multi-dwellings (such as apartments). The flexibility and available density ensure effective and efficient use of land within urban areas to relieve development pressure in rural areas and protect farms, forests, and natural resources.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 7.5.2 policy b.

Policy h) The City shall retain and apply regulations requiring consideration of solar energy options in the development process.

Finding: The Development Code amendments delete the city's solar access protection standards, which currently only apply to the R5, R7 and R10 zones. This section of code was written to ensure solar access to single-detached dwellings, and there is no practical way to apply the standards to the mix of housing types allowed in the proposed RMA, RMB and RMC zones. It also would take significant work to determine how to make them entirely clear and objective and compliant with state laws regarding middle housing and middle housing land divisions. Issues include:

- Solar access standards in the section proposed for deletion are calibrated for single homes on larger lots. For example, some provisions limit development on a certain portion of the lot, which might not be an issue on a 7,000-square-foot lot but likely would be more of a constraint on lots between 2,000 square feet and 5,000 square feet that are allowed in many locations in RMA, RMB and RMC. Those limitations might mean there is not enough room for a duplex, triplex, quadplex on smaller lots where outdoor open space and parking are required.
- Not all provisions use clear and objective standards, including Section 60.45.10.5.B, which is proposed for deletion, that requires a judgement about "significant development amenities" and "significant diminution in the market value."
- Many of the provisions could cause "unreasonable cost or delay" for middle housing, which state law does not allow.
- As the code is written, a large percentage of lots would be exempted because the code assumes a "shadow pattern" from districts that are not single-family residential zones, which includes RMA, RMB and RMC. The shadow pattern is the "from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists."

That means the shadow is assumed to be a 35-foot-tall or 40-foot-tall building at the abutting properties' setbacks, which would generate large shadows on many lots and make them exempt from the requirements.

- State law (Senate Bill 458 from 2021) requires cities to allow middle housing land divisions to facilitate fee-simple sales of middle housing. For example, a property could build a duplex and then create "child lots" under each duplex so the units could be sold rather than rented. State law does not allow the city to apply many of the solar access standards to those lots.

In summary, the standards designed for single-detached houses on larger lots are not applicable to zones where a mix of housing types and smaller lot sizes are allowed.

The proposed amendments in TA 2022-0002 do include the following provisions to support energy conservation, including:

- Allowing more types of housing and more housing units on vacant land within the city and on properties that could redevelop to add units.
- Allowing smaller lots, a variety of minimum lot sizes for different housing types, and minimum densities to ensure efficient use of the land and allow the creation of smaller units that tend to use less energy than larger units.
- Requiring adequate setbacks to ensure the availability of light, wind and air, including 15-foot rear setbacks and 10-foot front setbacks. Site design standards also require outdoor open area and tree planting in most situations. The code also allows larger buildings if trees preserved on the site.
- Incorporating site design requirements that require developments to provide space for solid waste and recycling containers to promote recycling.
- Allowing duplexes, triplexes and quadplexes to be detached, which provides the opportunity for each unit to install its own renewable energy systems, or attached, which has the benefits of shared walls and allows the building owner to add renewable energy sources to the entire structure.
- Providing flexible standards so site and building design can respond to the site, climate, and renewable energy opportunities.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 7.5.2 policy h.

Comprehensive Plan Chapter 8: Environmental Quality and Safety

Goal 8.2.1. Maintain and improve water quality, and protect the beneficial uses, functions and values of water resources

Policy f) Encourage development in urban environments in ways that promote healthy environments and natural resources.

Finding: The proposed text amendment includes the following provisions which address water quality and water resources, including:

- In Section 60.05.60 (Design Standards and Guidelines for Single-Detached Dwellings and Middle Housing), requiring outdoor open areas and tree plantings in most situations. Both requirements can provide more greenery, which potentially increase pervious coverage on-site. Additional pervious coverage can reduce stormwater runoff, which then helps reduce nonpoint source pollution and minimizes potential flooding in urban areas with a lot of paved surfaces.
- In Section 60.05.60 (Design Standards and Guidelines for Single-Detached Dwellings and Middle Housing), providing a tree preservation incentive which allows some middle housing types to be up to 600 square feet larger than the maximum allowed floor area if trees are preserved on site.
- In Section 60.12.05 (Habitat Friendly Development), allowing and encouraging Habitat Friendly Development Practices that integrate preservation, enhancement and creation of Habitat Benefit Areas (HBA) and use of Low Impact Development techniques in order to support natural systems that provide wildlife with food, shelter, and clean water. In this section, the proposed amendment only includes minor changes that update new zone names and clarify that, when preserving HBA in a middle housing development that includes a Middle Housing Land Division, the applicant can choose to place the preserved HBA in a separate tract or conservation easement.
- New development and redevelopment is also subject to review by Clean Water Services. If sensitive water quality resources are located on the site, or within 200 feet of the site, mitigation for any displaced natural area and enhance of remaining natural areas may be required. Protected natural resources are often set aside in unbuildable conservation tracts or easements.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 8.2.1 policy f.



Statewide Planning Goals

In the Comprehensive Plan, Section 1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments also indicates that the proposed amendment is consistent and compatible with relevant Statewide Planning Goals. Of the 19 Statewide Planning Goals, staff finds that the following goals are directly relevant to the proposed amendment: Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), Goal 10 (Housing), and Goal 13 (Energy Conservation).

Goal 1 Citizen Involvement

Goal text: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process. The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues. Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

Finding: The Beaverton Citizen Involvement Program adopted by Resolution 2229 in 1980 established a formalized public participation program that provides a method by which the Beaverton Committee for Community Involvement (as renamed in Ordinance 4624 signed in 2013) and other community members can communicate their opinions and inquiries about city matters, including the planning process.

The city's Development Code procedures were based on and have been found consistent with the Community Involvement Element. Approval procedures includes a public hearing before the Planning Commission and a City Council public hearing to adopt the ordinance. At the public hearing, the Planning Commission will consider written or oral testimony before making a recommendation to City Council.

Notice for the public hearing relating to the proposed amendment was provided according to the public noticing requirements of the Development Code. Consistent with procedures outlined in Section 50.50 (Type 4), notice of the proposed amendment was sent to all NAC chairs, the Chair of the BCCI, Washington County's Department of Land Use and Transportation, Metro, and DLCD. Copies of the hearing notice were posted at City Hall and the City Library and published in the newspaper, consistent with noticing requirements. A notice was also posted on the city's website.



Mailed notice also was sent to more than 24,000 property owner addresses to notify property owners where the proposed amendments affect allowed land uses.

From November 2018 through April 2022, the Planning Commission and City Council also held several public work sessions to discuss the project and the draft code amendments prior to the May 11 Planning Commission hearing. Community members were notified about how to provide public comment at each work session through email notifications that were sent out to community members who opted in for project updates.

For community wide engagement, staff used a racial equity toolkit, developed by the Government Alliance on Race and Equity, to help develop housing strategies that reduce racial inequities and improve success for all communities.

This involved prioritizing engagement with communities most likely to benefit from more diverse housing options for many reasons, including but not limited to a history of racial segregation and racist housing practices, the fact that many communities of color are more likely to be cost-burdened (pay a large percentage of their income for housing), and the need to accommodate larger families and/or multigenerational living. A snapshot of public engagement efforts is below:

- **Engagement activities** included community meetings that aimed to understand community-specific issues and priorities with renters, immigrants, and communities of color; a Farmer's Market tabling event; interviews with affordable housing providers, homebuilders, and advocacy groups; advisory groups and committees; a virtual open house in English and Spanish; and surveys in English and Spanish.
- **Communities of Color engaged** include African; Arabic, Kurdish, and Middle Eastern; Black/African American; Asian and South Asian, Latinx and Chicano, Middle Eastern and North African; Native American; and Slavic.
- **Demographics engaged** include formerly houseless persons; renters, including low-income families with Section 8 vouchers as well as market-rate renters; homeowners; recent immigrants; multigenerational families; single parent households; young adults and older adults; male, female and nonbinary participants; gay, lesbian and transgender participants; and people with mobility issues.
- **Translated materials:** Arabic, Spanish and Thai.
- **Interpretation during meetings:** Farsi, Spanish and Thai.

Conclusion: Therefore, staff finds the city has provided adequate notice and opportunity for public involvement consistent with Goal 1.



Goal 2 Land Use Planning:

Goal text: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

Finding: Changes to the Beaverton Development Code require a Type 4 review process, which includes noticing and a public comment period, prior to a hearing before the Planning Commission. The hearing is open to the public and includes an opportunity to receive public testimony. At the conclusion of the hearing, the Planning Commission can continue the hearing to a later date, keep the record open for more information, or make a recommendation to the City Council, the ultimate decision-making authority. Prior to adoption of the Development Code text amendment, the City Council will consider all the evidence in the record, including any testimony provided at the Planning Commission hearing and any recommended changes to the proposal.

The proposed Development Code text amendment fits within the established process and framework. The findings contained within this report establish an adequate factual basis for the proposal.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with Goal 2.

Goal 10 Housing:

Goal text: To provide for the housing needs of the citizens of the state.

Finding: Beaverton's Housing Needs Analysis (HNA) was published in October 2015. It demonstrated a need for all housing types in the 20-year period ending in 2035. This was true for both the current Beaverton city limits as well as the city limits plus the assumed urban service area, which is an area where it is assumed Beaverton will provide governance in the future. The state Department of Land Conservation and Development (DLCD) found it to be consistent with the requirements of Statewide Planning Goal 10.

See Table 11 for the number of housing units projected to be needed.

Table 11: Projected Future Need for New Housing Units (2035)

	SF detached	SF attached	Duplex	3 or 4 units	5+ units
Current city limits (2015)	5,767	1,542	295	718	3,866
City limits plus assumed urban service boundary	14,001	2,626	958	2,107	7,999

Source: Beaverton Housing Needs Analysis (part of the city’s Housing Strategies Report) Figure 5.3 and Figure 10.3. <https://www.beavertonoregon.gov/DocumentCenter/View/10322>. Accessed April 14, 2020.

Based on the findings in Beaverton’s Housing Strategies Report in Volume II of the Comprehensive Plan, which includes the city’s Buildable Lands Inventory and Housing Needs Analysis, Beaverton updated its Comprehensive Plan’s Housing Element and Land Use Element to address the identified housing needs. DLCD also found these Comprehensive Plan changes consistent with the Statewide Planning Goals. In addition, the city successfully applied for an Urban Growth Boundary expansion in 2018 and is currently planning for the 1,200-acre Cooper Mountain expansion area. Metro approved the urban growth boundary expansion with the requirement that it accommodate at least 3,760 housing units and the future zoning allow middle housing in all zones.

The proposed Development Code text amendments comply with House Bill 2001, which requires the city to allow middle housing in residential districts that allow single-detached homes. Beaverton’s TA2022-0002 includes Development Code amendments that comply with that law. Those Development Code amendments in general will allow duplexes, triplexes, quadplexes, townhomes, and cottage clusters in zoning districts where the current code does not allow middle housing or only allows it in limited circumstances. This will increase the number of units that could be allowed on thousands of lots within the cities, although the number of additional units that would be produced is not known. The city has just started a Housing Needs Analysis and Housing Production Strategy project to determine the city’s future housing needs and identify how many housing units the city can expect to produce with current zoning and with the TA2022-0002 Development Code amendment.

Specifically, the Development Code text amendment addresses housing needs and supporting housing variety by:

- In Section 20.05 (Residential Land Use Districts), including two new residential zoning districts, RMA and RMB, that provide the opportunity to have additional housing variety and density near transit and services. RMA and RMB are the implementing zoning districts for the Medium Density Neighborhoods designation in the Comprehensive Plan, which aims to focus the highest density housing closest to transit, commercial services, parks, and/or other amenities, and to provide convenient access to these amenities by as many households as possible. The proposed amendment also allows more housing variety and density in RMC, which currently is found near transit lines and commercial areas in parts of the city. In addition, MR would retain the density standards of R1.
- In Section 20.05.15 (Site Development Standards), allowing smaller lots and a variety of minimum lot sizes for different housing types.
- In Section 60.05.60 (Design Standards for Single-Detached Dwellings and Middle Housing), providing flexible standards so property owners have more choices when it comes to site and building design.
- In Section 60.30 (Off-Street Parking), establishing minimum parking standards that are low enough to increase feasibility by leaving room on the site for larger homes and/or more units.
- HB2001 requires that local governments “consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to”¹ waiving or deferred system development charges; adopting property tax exemptions; and assessing a construction excise tax. The city has considered those methods and others and will again as Council goes through a series of Housing Talks in 2022 that will include strategies to increase affordable housing that will inform the state-mandated Housing Production Strategy work in the next year:
- Construction Excise Tax: The City’s Housing Five-Year Action Plan lists “Explore a Construction Excise Tax on new development” as a goal to establish a dedicated affordable housing funding source. The action plan was approved by the City Council. The funding source also was discussed during Council meetings on April 24, 2018, and Nov. 12, 2019. In 2022, the City Council approved its Fiscal Year 2022/23 – Fiscal Year 2023/24 Council Priorities Workplan. Among the Strategic Goals & Work Plan Priorities approved by the City Council as part of that Council Priorities Workplan is “Affordable Housing,” which includes a call to determine if a Construction Excise tax should be established to provide a dedicated fund for affordable housing. Beaverton also will consider this question as Council goes through a

series of Housing Talks that will include strategies to increase affordable housing which will inform its Housing Production Strategy to comply with state administrative rules related to 2019's House Bill 2003.

- SDC waivers: Beaverton sets SDC rates for water service within its service area. (Parts of Beaverton are served by the Tualatin Valley Water District, Raleigh Water District and West Slope Water District.) City water SDCs are based on meter size, which means they scale according to the size of development. A supplemental transportation system development charge for the South Cooper Mountain area, which was established to pay for infrastructure to develop that urban growth boundary expansion area, is controlled by the city but it is only for a small part of the city. Other SDCs are determined by other service providers, including:
 - Clean Water Services (sewer and stormwater). Beaverton is currently negotiating a new intergovernmental agreement with Clean Water Services, and rates and charges are one of the topics to be addressed.
 - Tualatin Hills Park & Recreation District (parks, recreation, trails and natural areas). The park district recently revised its SDC methodology which includes 50 percent reduction for regulated affordable housing restricted at 60 percent Area Median Income (AMI) or below, and 100 percent reduction for regulated affordable units restricted at 30percent AMI or below.
 - Washington County (transportation through the Traffic Development Tax (TDT), which is not an SDC but instead is a tax approved by Washington County voters. Methodology change requires voter approval.

On December 4, 2018, Beaverton Council passed a Resolution to provide limited SDC assistance to proposed affordable housing projects.

- Property tax exemptions: Beaverton has an existing property tax exemption for affordable housing enabled by ORS 307.540-548. It is for nonprofit housing providers that serve residents earning below 60 percent of the area median income and below 80 percent of the area median income in their second and subsequent years of tenancy. The program is structured to exempt qualifying affordable housing projects from property taxes levied by all governments and special districts that have taxing authority over the property. This results in a cost savings that can be passed on to qualified residents in the form of lower rents. The most recent year involved applications from 10 projects with 678 units.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with Goal 10.

Goal 12 Transportation

Goal text: To provide and encourage a safe, convenient, and economic transportation system.

Finding: No findings are necessary regarding Goal 12 because ORS 197.758 Sec. 3 (5) says: “When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility. [2019 c.639 §3].” CPA2022-0004, TA 2022-0002, and ZMA 2022-0004 are legislative proposals to amend the city’s Comprehensive Plan, Development Code, and Zoning Map to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings. TA 2022-0002 also removed single-detached dwellings as an allowed use in some zones, but single-detached homes are lower trip generators than other uses in those zones and the reasonable worst-case scenario for traffic generation will remain unchanged. The proposed amendments in those zones will have no significant effect on the transportation system.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with Goal 12.

Goal 13 Energy Conservation:

Goal text: To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

Finding: The Development Code amendments delete the city’s solar access protection standards, which currently only apply to the R5, R7 and R10 zones. This section of code was written to ensure solar access to single-detached dwellings, and there is no practical way to apply the standards to the mix of housing types allowed in the proposed RMA, RMB and RMC zones. It also would take significant work to determine how to make them entirely clear and objective and compliant with state laws regarding middle housing and middle housing land divisions. Issues include:

- Solar access standards in the section proposed for deletion are calibrated for single homes on larger lots. For example, some provisions limit development on a certain portion of the lot, which might not be an issue on a 7,000-square-foot lot but likely would be more of a constraint on lots between 2,000 square

feet and 5,000 square feet that are allowed in many locations in RMA, RMB and RMC. Those limitations might mean there is not enough room for a duplex, triplex, quadplex on smaller lots where outdoor open space and parking are required.

- Not all provisions use clear and objective standards, including Section 60.45.10.5.B, which is proposed for deletion, that requires a judgement about “significant development amenities” and “significant diminution in the market value.”
- Many of the provisions could cause “unreasonable cost or delay” for middle housing, which state law does not allow.
- As the code is written, a large percentage of lots would be exempted because the code assumes a “shadow pattern” from districts that are not single-family residential zones, which includes RMA, RMB and RMC. The shadow pattern is the “from the largest structure allowed at the closest setback on adjoining land, whether or not that structure now exists.” That means the shadow is assumed to be a 35-foot-tall or 40-foot-tall building at the abutting properties’ setbacks, which would generate large shadows on many lots and make them exempt from the requirements.
- State law (Senate Bill 458 from 2021) requires cities to allow middle housing land divisions to facilitate fee-simple sales of middle housing. For example, a property could build a duplex and then create “child lots” under each duplex so the units could be sold rather than rented. State law does not allow the city to apply many of the solar access standards to those lots.

In summary, the standards designed for single-detached houses on larger lots are not applicable to zones where a mix of housing types and smaller lot sizes are allowed.

The proposed amendments in TA 2022-0002 do include the following provisions to support energy conservation, including:

- Allowing more types of housing and more housing units on vacant land within the city and on properties that could redevelop to add units.
- Allowing smaller lots, a variety of minimum lot sizes for different housing types, and minimum densities to ensure efficient use of the land and allow the creation of smaller units that tend to use less energy than larger units.
- Requiring adequate setbacks to ensure the availability of light, wind and air, including 15-foot rear setbacks and 10-foot front setbacks. Site design

standards also require outdoor open area and tree planting in most situations. The code also allows larger buildings if trees preserved on the site.

- Incorporating site design requirements that require developments to provide space for solid waste and recycling containers to promote recycling.
- Allowing duplexes, triplexes and quadplexes to be detached, which provides the opportunity for each unit to install its own renewable energy systems, or attached, which has the benefits of shared walls and allows the building owner to add renewable energy sources to the entire structure.
- Providing flexible standards so site and building design can respond to the site, climate, and renewable energy opportunities.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with Goal 13.

State Land Use Goal Compliance Summary: Staff finds that the proposed Development Code text amendments comply with applicable Statewide Planning Goals.

Oregon Administrative Rules

In the Comprehensive Plan, Section 1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments also indicates that the proposed amendment is consistent and compatible with related Oregon Administrative Rules. The following Oregon Administrative Rules apply:

660-007-0015: Clear and Objective Approval Standards Required

OAR text: (1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. (2) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in section (1) of this rule, a local government may adopt and apply an optional alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if: (a) The applicant retains the option of proceeding under the approval process that meets the requirements of section (1); (b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and (c) The approval criteria for the alternative approval process

authorize a density at or above the density level authorized in the zone under the approval process provided in section (1) of this rule.

Finding: The proposed text amendment includes clear and objective standards in the following ways, including:

- In Sections 20.05.20 (Residential Land Uses), 20.10.20 (Commercial Land Uses) and 20.20.20 (Multiple Use Land Uses), a footnote has been added to the Land Use table to indicate that housing variety for sites in South Cooper Mountain is required because the code may not require Planned Unit Development (PUDs, which require housing variety) for sites greater than 10 acres.
- In Section 40.21 (Single-Detached and Middle Housing Design Review), including three new applications: Single-Detached and Middle Housing Design Review One (a Type 1 review process), Single-Detached and Middle Housing Design Review Two (a Type 2 review process), and Single-Detached and Middle Housing Design Review Three (a Type 3 review process). The Design Review One section indicates that approval is based on applicable standards, which are clear and objective. The decision-making authority is the Planning Director (staff review). No public notice noticed is required. Design Review Two and Design Review Three options provide a discretionary pathway if an applicant chooses not to meet some or all the clear and objective standards. Discretion is available through design guidelines in Section 60.05.60. Otherwise, the approval criteria for Design Review Two and Design Review Three comply with applicable statewide land use planning goals and rules, as well as minimum density established in Section 20.05.15 (unless the applicable provisions are subject to an Adjustment, Planned Unit Development, or Variance application – all Type 2 or Type 3 applications).
- In Section 60.05.60 (Design Standards and Guidelines for Single-Detached Dwellings and Middle Housing), establishing clear and objective design standards for single-detached dwellings and middle housing that are referenced in the Design Review One approval criteria. Design guidelines are available if an applicant chooses not to meet some or all of the clear and objective standards.
- In Section 60.35 (Planned Unit Developments), updating this section to include clear and objective standards for housing by removing the requirement that developments larger than 10 acres in South Cooper Mountain go through the discretionary Planned Unit Development process.

This is not compliant with state law because it does not provide a clear and objective path for approval of housing.

- In Section 60.05.20, Section 60.05.25, 60.05.60, 60.15, and 60.55, establishing clear and objective standards for South Cooper Mountain that ensure the city can implement the South Cooper Mountain Community Plan. The standards will address topics such as street connections, trails, and open space requirements.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-007-0015.

660-007-0018: Specific Plan Designations Required

OAR text: (1) Plan designations that allow or require residential uses shall be assigned to all buildable land. Such designations may allow nonresidential uses as well as residential uses. Such designations may be considered to be "residential plan designations" for the purposes of this division. The plan designations assigned to buildable land shall be specific so as to accommodate the varying housing types and densities identified in OAR 660-007-0030 through 660-007-0037. (2) A local government may defer the assignment of specific residential plan designations only when the following conditions have been met: (a) Uncertainties concerning the funding, location and timing of public facilities have been identified in the local comprehensive plan; (b) The decision not to assign specific residential plan designations is specifically related to identified public facilities constraints and is so justified in the plan; and (c) The plan includes a time-specific strategy for resolution of identified public facilities uncertainties and a policy commitment to assign specific residential plan designations when identified public facilities uncertainties are resolved.

Finding: Chapter 3 Comprehensive Plan amendments provide land use designations and corresponding implementing zoning districts (found in the proposed Comprehensive Plan and Zoning District Matrix under Goal 3.4.1) for residential areas that provide the opportunity to have additional housing variety and density throughout the Neighborhoods designation and in some cases in the Mixed Use Corridors and Neighborhood Centers designations. In Section 20.05 (Residential Land Use Districts), the RMA, RMB, and RMC implementing zones for the Neighborhood designation allow single-detached homes, duplexes, triplexes, quadplexes, townhomes and cottage clusters, and RMA and MR allow multi-dwellings (such as apartments). That variety of housing types can accommodate a range of ages, household sizes and income levels (assuming smaller units are less

expensive than larger units). Those zones are applied in some areas that are close to transit services, commercial areas, parks and other important destinations.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-007-0018.

660-007-0030: New Construction Mix

OAR text: (1) Jurisdictions other than small developed cities must either designate sufficient buildable land to provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing or justify an alternative percentage based on changing circumstances. Factors to be considered in justifying an alternate percentage shall include, but need not be limited to: (a) Metro forecasts of dwelling units by type; (b) Changes in household structure, size, or composition by age; (c) Changes in economic factors impacting demand for single family versus multiple family units; and (d) Changes in price ranges and rent levels relative to income levels. (2) The considerations listed in section (1) of this rule refer to county-level data within the UGB and data on the specific jurisdiction.

Finding: Oregon Administrative Rule 660-007-030 requires the City of Beaverton to designate sufficient buildable land to provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing or justify an alternative percentage based on changing circumstances.

The City of Beaverton's last Housing Needs Analysis (HNA), acknowledged in 2016, examined the capacity of residential lands to provide needed housing and the HNA was acknowledged by DLCD. In the HNA (titled Beaverton Housing Strategies Report), Figure 11.1 on Page 74, shows the capacity for 8,273 attached or multifamily units and 5,033 single-family detached units in the city, which is about 62 percent of units. That far exceeds the 50 percent required.

In the proposed text amendment, Section 20.05.20 (Residential Land Uses) allows attached single family housing (townhouses) and multiple family housing (duplexes, triplexes and quadplexes) in all residential zones (MR, RMA, RMB and RMC).

Therefore, the proposed amendment will provide significantly more opportunities to build these housing types in all residential areas.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-007-0030.



660-007-0033: Consideration of Other Housing Types

OAR text: Each local government shall consider the needs for manufactured housing and government assisted housing within the Portland Metropolitan UGB in arriving at an allocation of housing types.

Finding: The City of Beaverton's last Housing Needs Analysis, acknowledged in 2016, considered the need for manufactured housing and government assisted housing and that the HNA was acknowledged by DLCD. It is here:

<https://www.beavertonoregon.gov/377/Volume-II>

In March 2022, the city kicked off a new Housing Need Analysis, which will again consider the needs for manufactured housing and government assisted housing within the Portland Metropolitan UGB in arriving at an allocation of housing types.

With respect to this proposed text amendment, it increases opportunities to provide manufactured housing in the city by:

- In Section 20.05.20 (Residential Land Uses), changing the land use permissions for Manufactured Homes Parks in RMA from Conditional Use to Permitted.
- In Section 60.20.20 (Mobile and Manufactured Home Regulations), updating manufactured home regulations to ensure the rules are consistent with state law. Manufactured homes generally are treated the same as single-detached dwellings. The draft code removes design requirements that are not applied to single-detached housing, not clear and objective, or that could unnecessarily increase the cost of manufactured homes (such as size requirements that prevent smaller units or requiring an added garage or carport). The proposed code does retain a few provisions specifically allowed in state law, including the excavated and back-filled foundation with an enclosed perimeter, the thermal envelope requirement and the restriction on manufactured homes abutting a historic district or landmark. Although manufactured homes can be used as part of middle housing, the Development Code (and state law) define manufactured home parks as sites with four or more manufactured homes. So once more than three manufactured homes are placed on a site, it becomes a manufactured home park and would have to be consistent with standards for a park.
- In Chapter 90, updating the definition for accessory dwelling unit to indicate that it can be a manufactured home.



- In Chapter 90, creating new definitions for duplex, triplex and quadplex that indicate that if these housing types are detached, then some of the detached units can be manufactured homes.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-007-0033.

660-007-0035: Minimum Residential Density Allocation for New Construction

OAR text: The following standards shall apply to those jurisdictions which provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing: ... (3) Multnomah County and the cities of Portland, Gresham, Beaverton, Hillsboro, Lake Oswego and Tigard must provide for an overall density of ten or more dwelling units per net buildable acre. ...

Finding: OAR 660-007-0030 indicates that cities such as Beaverton must either designate sufficient buildable land to provide the opportunity for at least 50 percent of new residential units to be attached single family housing or multiple family housing or justify an alternative percentage based on changing circumstances.

Beaverton Housing Strategies Report, in Figure 11.1 on Page 74, shows the capacity for 8,273 attached or multi-family units and 5,033 single-family detached units in the city, which is about 62 percent of units. That far exceeds the 50 percent required in OAR 660-007-0030, which also means that the city must provide the opportunity for an overall density of ten or more dwelling units per net buildable acre.

Through previous Comprehensive Plan updates, Chapter 3 (Land Use Element) has been found to provide at least 10 dwelling units per net buildable acre, so the current Land Use Element already meets that goal. Furthermore, the Housing Options Project is retaining or increasing the minimum densities in residential areas and eliminating maximum densities in residential areas, which will result in an opportunity for additional density per net buildable acre.

Specifically, in the proposed text amendment, Section 20.05.20 (Residential Land Uses) allows middle housing in all residential zones (MR, RMA, RMB and RMC). Therefore, the proposed amendment will provide significantly more opportunities to build these housing types in all residential areas.

In addition, the proposed amendment for Section 20.05.15 (Minimum Density) includes updated density standards for the RMA, RMB and RMC zones. See Table 12 below for additional information.

Table 12: Minimum residential density by zone

Proposed zone	Replaces existing zone(s)	Minimum density
Multi-unit Residential (MR)	R1	35 units per acre
Residential Mixed A (RMA)	R2	17 units per acre
Residential Mixed B (RMB)	R4, R5	10 units per acre
Residential Mixed C (RMC)	R7, R10	7 units per acre

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-007-0035.

660-008-0010: Allocation of Buildable Land

OAR text: The mix and density of needed housing is determined in the housing needs projection. Sufficient buildable land shall be designated on the comprehensive plan map to satisfy housing needs by type and density range as determined in the housing needs projection. The local buildable lands inventory must document the amount of buildable land in each residential plan designation.

Finding: Compliance with OAR 660-008-0010 was described above in findings for OAR 660-007-0030, which describes how the city’s last HNA (acknowledged in 2016) examines sufficient buildable lands to satisfy housing needs by type; and OAR 660-007-0035, which describes minimum densities in residential areas, are incorporated here by reference.

Since the HNA was acknowledged in 2016, the city updated the Land Use Element again and received approved from Metro in 2018 to expand the urban growth boundary for the Cooper Mountain area to meet our housing needs and ensure an adequate supply of buildable land.

In March 2022, the city kicked off a new Housing Need Analysis, which will reexamine the mix and density of needed housing in Beaverton.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-008-0010.

660-008-0015: Clear and Objective Approval Standards Required

OAR text: (1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.



(2) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in section (1) of this rule, a local government may adopt and apply an optional alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if: (a) The applicant retains the option of proceeding under the approval process that meets the requirements of section (1); (b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and (c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in section (1) of this rule. (3) Subject to section (1), this rule does not infringe on a local government's prerogative to: (a) Set approval standards under which a particular housing type is permitted outright; (b) Impose special conditions upon approval of a specific development proposal; or (c) Establish approval procedures.

Finding: Compliance with OAR 660-008-0015 was described above in findings for OAR 660-007-0015, which described clear and objective approval standards for housing; and are incorporated here by reference.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-008-0015.

660-046-0030: Implementation of Middle Housing Ordinances

OAR text: (1) Before a local government amends an acknowledged comprehensive plan or a land use regulation to allow Middle Housing, the local government must submit the proposed amendment to the Department for review and comment pursuant to OAR chapter 660, division 18. (2) In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to: (a) Waiving or deferring system development charges; (b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and (c) Assessing a construction tax under ORS 320.192 and ORS 320.195. (3) When a local government amends its comprehensive plan or land use regulations to allow Middle Housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.



Finding: The proposed Development Code text amendment (TA2022-0002) complies with OAR 660-046-0030, which requires the city to allow middle housing in residential districts that allow single-detached homes.

Consistent with procedures outlined in the Beaverton Development Code, staff submitted the Post-Acknowledgement Plan Amendment (PAPA) to DLCDC on March 31, 2022, more than 35 days before the initial hearing. DLCDC acknowledged receiving the PAPA via email on March 31, 2022.

TA2022-0002 includes Development Code amendments that comply with HB2001 as codified in OAR 660-046-0030. Those Development Code amendments in general will allow duplexes, triplexes, quadplexes, townhomes, and cottage clusters in zoning districts where the current code does not allow middle housing or only allows it in limited circumstances. This will increase the number of units that could be allowed on thousands of lots within the cities, although the number of additional units that would be produced is not known. The city has just started a Housing Needs Analysis and Housing Production Strategy project to determine the city's future housing needs and identify how many housing units the city can expect to produce with current zoning and with the TA2022-0002 Development Code amendment.

HB2001 requires that local governments “consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to”¹ waiving or deferred system development charges; adopting property tax exemptions; and assessing a construction excise tax. The city has considered those methods and others and will again as Council goes through a series of Housing Talks in 2022 that will include strategies to increase affordable housing that will inform the state-mandated Housing Production Strategy work in the next year:

- Construction Excise Tax: The City's Housing Five-Year Action Plan lists “Explore a Construction Excise Tax on new development” as a goal to establish a dedicated affordable housing funding source. The action plan was approved by the City Council. The funding source also was discussed during Council meetings on April 24, 2018, and Nov. 12, 2019. In 2022, the City Council approved its Fiscal Year 2022/23 – Fiscal Year 2023/24 Council Priorities Workplan. Among the Strategic Goals & Work Plan Priorities approved by the City Council as part of that Council Priorities Workplan is “Affordable Housing,” which includes a call to determine if a Construction Excise tax should be established to provide a dedicated fund for affordable housing. Beaverton also will consider this question as Council goes through a series of Housing Talks that will include strategies to increase affordable



housing which will inform its Housing Production Strategy to comply with state administrative rules related to 2019's House Bill 2003.

- SDC waivers: Beaverton sets SDC rates for water service within its service area. (Parts of Beaverton are served by the Tualatin Valley Water District, Raleigh Water District and West Slope Water District.) City water SDCs are based on meter size, which means they scale according to the size of development. A supplemental transportation system development charge for the South Cooper Mountain area, which was established to pay for infrastructure to develop that urban growth boundary expansion area, is controlled by the city but it is only for a small part of the city. Other SDCs are determined by other service providers, including:
 - Clean Water Services (sewer and stormwater). Beaverton is currently negotiating a new intergovernmental agreement with Clean Water Services, and rates and charges are one of the topics to be addressed.
 - Tualatin Hills Park & Recreation District (parks, recreation, trails and natural areas). The park district recently revised its SDC methodology which includes 50 percent reduction for regulated affordable housing restricted at 60 percent Area Median Income (AMI) or below, and 100 percent reduction for regulated affordable units restricted at 30 percent AMI or below.
 - Washington County (transportation through the Traffic Development Tax (TDT), which is not an SDC but instead is a tax approved by Washington County voters. Methodology change requires voter approval.

On December 4, 2018, Beaverton Council passed a Resolution to provide limited SDC assistance to proposed affordable housing projects.

- Property tax exemptions: Beaverton has an existing property tax exemption for affordable housing enabled by ORS 307.540-548. It is for nonprofit housing providers that serve residents earning below 60 percent of the area median income and below 80 percent of the area median income in their second and subsequent years of tenancy. The program is structured to exempt qualifying affordable housing projects from property taxes levied by all governments and special districts that have taxing authority over the property. This results in a cost savings that can be passed on to qualified residents in the form of lower rents. The most recent year involved applications from 10 projects with 678 units.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0030.



660-046-0040: Compliance

OAR text: (1) A Medium or Large City may adopt land use regulations or amend its comprehensive plan to comply with ORS 197.758 and the provisions of this division. ... (4) A Large City which is A Local Government That Has Not Acted by June 30, 2022 or within two years of qualifying as a Large City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) for the specific Middle Housing type that is not in compliance with the relevant rules in this division to all proposed development applications for that specific Middle Housing type until such time as the Large City has adopted provisions under section (1). ... (8) Where a Medium or Large City directly applies the Model Code in accordance with sections (3), (4) and (5), the Model Code completely replaces and pre-empts any provisions of that Medium or Large City's development code that conflict with the applicable sections of the Model Code.

Finding: The City Council public hearing to consider amendments in TA 2022-0002 (as well as CPA 2022-0004 and ZMA 2022-0004) is currently scheduled for July 19, 2022. As of April 29, 2022, staff anticipates directly applying the Model Code to development applications received on or after July 1, 2022, and understands that the Model Code will replace and pre-empt any provisions of Beaverton's Development Code that conflict with the applicable sections of the Model Code, from July 1 until the effective ordinance date.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0040.

OAR 660-046-0100 through OAR 660-046-0130

The City of Beaverton is classified as a Large City for the purpose of complying with Chapter 660 Division 46 (Middle Housing in Medium and Large Cities). However, OAR 660-046-0205 (Applicability of Middle Housing in Large Cities) indicates that a "Large City must allow for the development of Duplexes in the same manner as required for Medium Cities in OAR 660-046-0100 through OAR 660-046-0130;" therefore, findings for OAR 660-046-0100 through OAR 660-046-0130 are below.

660-046-0105 Applicability of Middle Housing in Medium Cities

OAR text: (1) A Medium City must allow for the development of a Duplex, including those Duplexes created through conversion of an existing detached single-family dwelling, on each Lot or Parcel zoned for residential use that allows for the development of detached single-family dwellings.



Finding: Section 20.05 (Residential Land Use Districts) indicates that duplexes are allowed on all lots where single-detached dwellings are allowed. In addition, Section 40.21 (Single-Detached and Middle Housing Design Review) indicates that Design Review is not required for creation of middle housing through the addition to, or conversion of, an existing single-detached dwelling, which makes it easier to build duplexes.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0105.

660-046-0110 Provisions Applicable to Duplexes in Medium Cities

OAR text:

(1) Medium Cities may regulate Duplexes to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).

Finding: The City of Beaverton has adopted a Local Wetland Inventory and has identified significant resources in Volume III of the Comprehensive Plan, pursuant to Statewide Planning Goal 5. Duplexes will be subject to the same process and review as applicable to other types of development in Significant Natural Resource Areas or jurisdictional wetlands.

(2) Medium Cities may regulate siting and design of Duplexes, provided that the regulations: (a) Are clear and objective standards, conditions, or procedures consistent with ORS 197.307; and (b) Do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay.

Finding: Compliance with OAR 660-046-0110(2) is described below in findings for OAR 660-007-0015, which describes clear and objective standards; OAR 660-046-0120, which describes duplex siting standards; and OAR 660-046-0125, which describes duplex design standards, and are incorporated here by reference.

Furthermore, duplex design standards are based on the state-approved Model Code, which has been demonstrated not to add unreasonable cost or delay. And where design standards deviate from the Model Code, they either provide additional flexibility to make it easier to build duplexes, or they are similarly applied to all single-detached dwellings as well.

(3) Siting and design standards that create unreasonable cost and delay include any standards applied to Duplex development that are more

restrictive than those applicable to detached single-family dwellings in the same zone.

Finding: Compliance with OAR 660-046-0110(3) is described above in findings for OAR 660-046-0110(2), which addresses siting and design standards for duplexes, and is incorporated here by reference.

(4) Siting and design standards that do not, individually or cumulatively, discourage the development of Duplexes through unreasonable cost and delay include only the following: (a) Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3); (b) Permitted uses and approval process provided in OAR 660-046-0115; (c) Siting standards provided in OAR 660-046-0120; (d) Design standards in Medium Cities provided in OAR 660-046-0125; (e) Duplex Conversions provided in OAR 660-046-0130; and (f) Any siting and design standards in the Model Code contained in section OAR 660-046-0010(4)(a).

Finding: Compliance with OAR 660-046-0110(4) is described above in findings for OAR 660-046-0110(1); OAR 660-046-0110(2), and OAR 660-046-0110(3), and are incorporated here by reference.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0110.

660-046-0115 Permitted Uses and Approval Process

OAR text: Medium Cities must apply the same approval process to Duplexes as detached single-family dwellings in the same zone. Pursuant to OAR 660-007-0015, OAR 660-008-0015, and ORS 197.307, Medium Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Duplexes. Nothing in this rule prohibits a Medium City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

Finding: Single-Detached Dwellings and Duplex are subject to the same approval process in all residential zones. In the proposed amendment, Section 40.21 includes three new applications for single-detached dwellings and middle housing. The applications include Single-Detached and Middle Housing Design Review One (a Type 1 review process), Single-Detached and Middle Housing Design Review Two (a Type 2 review process), and Single-Detached and Middle Housing Design Review

Three (a Type 3 review process). The same threshold, procedure type, and approval criteria apply to single-detached dwellings and duplexes.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0115.

660-046-0120 Duplex Siting Standards in Medium Cities

OAR text: The following standards apply to all Duplexes:

(1) Minimum Lot or Parcel Size: A Medium City may not require a minimum Lot or Parcel size that is greater than the minimum Lot or Parcel size required for a detached single-family dwelling in the same zone. Additionally, Medium Cities shall allow the development of a Duplex on any property zoned to allow detached single-family dwellings, which was legally created prior to the Medium City's current lot size minimum for detached single-family dwellings in the same zone.

Finding: Section 20.05.15 establishes the same minimum lot size for duplexes and single-detached dwellings. In addition, a duplex is allowed on any property zones to allow single-detached dwellings.

(2) Density: If a Medium City applies density maximums in a zone, it may not apply those maximums to the development of Duplexes.

Finding: Maximum density is not applicable in the RMA, RMB and RMC zones.

Section 20.05.15 indicates that maximum density is allowed in the MR zone. However, OAR 660-046-0010 (Applicability) indicates that, "a Medium or Large City need not comply with this division for ... (b) Lots or Parcels that are Zoned For Residential Use but do not allow for the development of a detached single-family dwelling." Since Section 20.05.20 indicates that the MR zone does not allow new single-detached dwellings as a permitted use, then OAR 660-046-0120(2) does not apply to the MR zone.

(3) Setbacks: A Medium City may not require setbacks to be greater than those applicable to detached single-family dwellings in the same zone.

Finding: Section 20.05.15 establishes the same setbacks for duplexes and single-detached dwellings in all residential zones.

(4) Height: A Medium City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone.

Finding: Section 20.05.15 establishes the same maximum height standards for duplexes and single-detached dwellings in all residential zones.

(5) Parking: (a) A Medium City may not require more than a total of two off-street parking spaces for a Duplex. (b) Nothing in this section precludes a Medium City from allowing on-street parking credits to satisfy off-street parking requirements.

Finding: Section 60.30 (Off-Street Parking) requires two off-street parking spaces for a duplex. Section 60.30 also allows up to one on-street parking space to count towards off-street parking requirements.

(6) Lot Coverage and Floor Area Ratio: Medium Cities are not required to apply lot coverage or floor area ratio standards to new Duplexes. However, if the Medium City chooses to apply lot coverage or floor area ratio standards, it may not establish a cumulative lot coverage or floor area ratio for a Duplex that is less than established for detached single-family dwelling in the same zone.

Finding: Section 20.05.15 allows duplexes to have a slightly higher maximum floor area than single-detached dwellings to improve feasibility and promote reasonably sized units. These floor area maximums support buildings that can be a variety of sizes, small enough to support one- or two-person households, such as older adults that would like to age in their community, and large enough to accommodate family-friendly homes and multigenerational living.

(7) A Medium City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Duplexes.

Finding: The proposed amendment establishes that single-detached dwellings and duplexes are subject to the same public work standards, including exceptions.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0120.

660-046-0125 Duplex Design Standards in Medium Cities

OAR text:

(1) Medium Cities are not required to apply design standards to new Duplexes. However, if the Medium City chooses to apply design standards to new Duplexes, it may only apply the same clear and objective design standards that the Medium City applies to detached single-family structures in the same zone.

Finding: Section 60.05.60 (Design Standards and Guidelines for Single-Detached Dwellings and Middle Housing) applies the same design standards and guidelines to single-detached dwellings and duplexes.

(2) A Medium City may not apply design standards to Duplexes created as provided in OAR 660-046-0130.

Finding: In the proposed amendment, Section 40.21 (Single-Detached and Middle Housing Design Review) indicates that Design Review is not required for the creation of middle housing through the addition to, or conversion of, an existing single-detached dwelling.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0125.

660-046-0130 Duplex Conversions

OAR text: Conversion of an existing detached single-family dwelling to a Duplex is allowed, pursuant to OAR 660-046-0105(2), provided that the conversion does not increase nonconformance with applicable clear and objective standards in the Medium City's development code, unless increasing nonconformance is otherwise allowed by the Medium City.

Finding: Section 40.21 (Single-Detached and Middle Housing Design Review) indicates that Design Review is not required for creation of middle housing through the addition to, or conversion of, an existing single-detached dwelling.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0130.

660-046-0205: Applicability of Middle Housing in Large Cities

OAR text:

(1) A Large City must allow for the development of Duplexes in the same manner as required for Medium Cities in OAR 660-046-0100 through OAR 660-046-0130.

Finding: Compliance with OAR 660-046-0205(1) was described above in findings for OAR 660-046-0100 through OAR 660-046-0130, which described duplex requirements for Medium Cities, is incorporated here by reference.

(2) A Large City must allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through additions to or conversions of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings. A



Large City may regulate or limit development of these types of Middle Housing on the following types of lands:

- (a) Goal-Protected Lands: Large Cities may regulate Middle Housing on Goal-Protected Lands as provided in OAR 660-046-0010(3); ...

Finding: In the proposed amendment, Section 20.05 (Residential Land Use Districts) indicates that triplexes, quadplexes, townhouses and cottage clusters are allowed in all areas zoned for residential use (MR, RMA, RMB and RMC). In addition, Section 40.21 (Single-Detached and Middle Housing Design Review) indicates that Design Review is not required for creation of middle housing through the addition to, or conversion of, an existing single-detached dwelling.

The City of Beaverton has adopted a Local Wetland Inventory and has identified significant resources in Volume III of the Comprehensive Plan, pursuant to Statewide Planning Goal 5. Middle housing will be subject to the same process and review as applicable to other types of development in Significant Natural Resource Areas or jurisdictional wetlands.

(3) A Large City may:

- (a) Allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through conversion of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings as provided in OAR 660-046-0205 through OAR 660-046-0235; or:

- (b) Apply separate minimum lot size and maximum density provisions than what is provided in OAR 660-046-0220, provided that the applicable Middle Housing type other than Duplexes is allowed on the following percentage of Lots and Parcels zoned for residential use that allow for the development of detached single-family dwellings, excluding lands described in subsection (2):

- (A) Triplexes – Must be allowed on 80 percent of Lots or Parcels.
- (B) Quadplexes - Must be allowed on 70 percent of Lots or Parcels.
- (C) Townhouses - Must be allowed on 60 percent of Lots or Parcels.
- (D) Cottage Clusters – Must be allowed on 70 percent of Lots or Parcels.

- (E) A Middle Housing type is considered “allowed” on a Lot or Parcel when the following criteria are met:



- (i) The Middle Housing type is a permitted use on that Lot or Parcel under the same administrative process as a detached single-family dwelling in the same zone;
- (ii) The Lot or Parcel has sufficient square footage to allow the Middle Housing type within the applicable minimum lot size requirement;
- (iii) Maximum density requirements do not prohibit the development of the Middle Housing type on the subject Lot or Parcel; and
- (iv) The applicable siting or design standards do not individually or cumulatively cause unreasonable cost or delay to the development of that Middle Housing type as provided in OAR 660-046-0210(3).

(F) A Large City must ensure the equitable distribution of Middle Housing by allowing, as defined in paragraph (3)(b)(E) above, at least one Middle Housing type other than Duplexes and Cottage Clusters on 75 percent or more of all Lots or Parcels zoned for residential use that allow for the development of detached single-family dwellings within each census block group, with at least four eligible Lots and Parcels as described in section (2), within a Large City.

(G) Large Cities must demonstrate continuing compliance with subsection (3)(b) at the following intervals:

- (i) At the initial submittal of a Middle Housing comprehensive plan or land use regulation change, in accordance with OAR chapter 660, division 18;
- (ii) At any future Housing Capacity Analysis deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required earlier than six years after initial adoption of acknowledged land use regulations in compliance with this division; and
- (iii) With any future comprehensive plan or land use regulation changes that implements this division, in accordance with OAR chapter 660, division 18, for Large Cities that are not subject to the Housing Capacity Analysis deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required more frequently than once



every six years after initial adoption of acknowledged land use regulations in compliance with this division.

Finding: The proposed amendment complies with OAR 660-046-0205(3)(a) by allowing middle housing, which includes new construction of middle housing and conversions of existing single-detached dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings as provided in OAR 660-046-0205 through OAR 660-046-0235. The proposed amendment does not apply separate minimum lot size and maximum density provisions than what is provided in OAR 660-0046-0220.

Comparing the percentage of lots that allow each housing type indicates that, in most cases, the approach under OAR 660-046-0205(3)(a) allows middle housing in greater percentages than the approach allowed by OAR 660-046-0205(3)(b). See Tables 13-16 for calculations.

Table 13: Percentage of lots that allow triplexes by zone comparing OAR 660-046-0205(3)(a) and OAR 660-046-0205(3)(b)

OAR 660-046-0205(3)(a)

Zone	Minimum lot size	Total lots by zone	Total lots above minimum lot size by zone
RMA	3,000 sq. ft.	3,016	1,505
RMB	4,000 sq. ft.	7,406	6,458
RMC	5,000 sq. ft.	11,498	10,937
Total:		21,920	18,900
			86 percent

OAR 660-046-0205(3)(b)

Minimum percentage of lots in RMA, RMB and RMC that must allow triplexes:	80 percent
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Table 14: Percentage of lots that allow quadplexes by zone comparing OAR 660-046-0205(3)(a) and OAR 660-046-0205(3)(b)

OAR 660-046-0205(3)(a)

Zone	Minimum lot size	Total lots by zone	Total lots above minimum lot size by zone
RMA	3,000 sq. ft.	3,016	1,505
RMB	4,000 sq. ft.	7,406	6,458
RMC	5,000 sq. ft.	11,498	10,937
Total:		21,920	18,900 86 percent

OAR 660-046-0205(3)(b)

Minimum percentage of lots in RMA, RMB and RMC that must allow quadplexes: **70 percent**

Table 15: Percentage of lots that allow townhouses by zone comparing OAR 660-046-0205(3)(a) and OAR 660-046-0205(3)(b)

OAR 660-046-0205(3)(a)

Zone	Minimum lot size	Total lots by zone	Total lots above minimum lot size by zone
RMA	1,100 sq. ft.	3,016	2,925
RMB	1,300 sq. ft.	7,406	7,354
RMC	1,500 sq. ft.	11,498	11,416
Total:		21,920	21,695 99 percent

OAR 660-046-0205(3)(b)

Minimum percentage of lots in RMA, RMB and RMC that must allow townhouses: **60 percent**

Table 16: Percentage of lots that allow cottage clusters by zone comparing OAR 660-046-0205(3)(a) and OAR 660-046-0205(3)(b)

OAR 660-046-0205(3)(a)

Zone	Minimum lot size	Total lots by zone	Total lots above minimum lot size by zone
RMA	7,000 sq. ft.	3,016	977
RMB	7,000 sq. ft.	7,406	3,746
RMC	7,000 sq. ft.	11,498	9,666
	Total:	21,920	21,695 66 percent

OAR 660-046-0205(3)(b)

Minimum percentage of lots in RMA, RMB and RMC that must allow cottage clusters: **70 percent**

(4) Pursuant to OAR 660-046-0205 through OAR 660-046-0235, the following numerical standards related to Middle Housing types apply:

(a) Duplexes – Large Cities may allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.

Finding: Section 20.05 (Residential Land Use Districts) indicates duplexes are allowed on all lots that allow single-detached homes, accessory dwelling units are also allowed on all lots that allow single-detached homes, and triplexes, quadplexes, townhouses and cottage clusters are allowed in all areas zoned for residential use (MR, RMA, RMB and RMC).

(b) Triplexes and Quadplexes – Large Cities may allow more than four dwelling units on a Lot or Parcel, including any accessory dwelling units.

Finding: Section 20.05 (Residential Land Use Districts) indicates duplexes are allowed on all lots that allow single-detached homes, accessory dwelling units are also allowed on all lots that allow single-detached homes, and triplexes, quadplexes, townhouses and cottage clusters are allowed in all areas zoned for residential use (MR, RMA, RMB and RMC). Middle housing types with more than four dwelling units potentially includes townhouses (Section 60.05.60 indicates that up to eight units can be attached in a townhouse structure in RMA, and five units can be attached in a townhouse structure in RMB and



RMC) and cottage clusters (Section 60.05.60 indicates that a cottage cluster must include at least five detached cottages).

(c) Townhouses – Large Cities must require at least two attached Townhouse dwelling units and must allow up to four attached Townhouse units subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. A Large City may allow five or more attached Townhouse dwelling units.

Finding: In Chapter 90, the definition for townhouse indicates that at least two units must be attached. In addition, Section 60.05.60 indicates that up to eight units can be attached in a townhouse structure in RMA, and five units can be attached in a townhouse structure in RMB and RMC.

(d) Cottage Clusters –

(A) A Large City is not required to set a minimum number of dwelling units in a Cottage Cluster, but if it chooses to, it may require a minimum of three, four, or five dwelling units in a Cottage Cluster. A Large City may allow, but may not require, greater than five units in a Cottage Cluster.

Finding: Section 60.05.60 indicates that the minimum number of dwelling units in a cottage cluster is five cottages.

(B) A Large City must allow up to eight cottages per common courtyard subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. Nothing in this section precludes a Large City from permitting greater than eight dwelling units per common courtyard.

Finding: Section 60.05.60 includes a design standard for maximum number of dwellings in a cottage cluster (12-16 units, depending upon the size of the common courtyard).

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0205.

660-046-0210: Provisions Applicable to Middle Housing in Large Cities

OAR text:

(1) Large Cities may regulate Middle Housing to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).



Finding: The City of Beaverton has adopted a Local Wetland Inventory and has identified significant resources in Volume III of the Comprehensive Plan, pursuant to Statewide Planning Goal 5. Middle Housing will be subject to the same process and review as applicable to other types of development in Significant Natural Resource Areas or jurisdictional wetlands.

(2) Large Cities may regulate siting and design of Middle Housing, provided that the regulations:

- (a) Are clear and objective standards, conditions, or procedures consistent with the requirements of ORS 197.307; and
- (b) Do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable costs or delay.

Finding: Single-detached dwellings and middle housing are subject to the same approval process in all residential zones. Section 40.21 includes three new applications for single-detached dwellings and middle housing. The application Single-Detached and Middle Housing Design Review One (a Type 1 review process) relies on clear and objective standards. Design standards are generally based on the Model Code. Where they deviate from the Model Code, they are either less restrictive, or they are the same clear and objective design standards that apply to single-detached dwellings.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0210(2)(a) and (b).

(3) Siting and design standards that do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable cost and delay include only the following:

- (a) Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);
- (b) Permitted uses and approval processes provided in OAR 660-046-0215;
- (c) Siting standards provided in OAR 660-046-0220;
- (d) Design standards in Large Cities provided in OAR 660-046-0225;
- (e) Middle Housing Conversions provided in OAR 660-046-0230;
- (f) Alternative siting or design standards provided in OAR 660-046-0235; and
- (g) Any siting and design standards in the Model Code contained in OAR 660-046-0010(4)(b).

Finding: Compliance with OAR 660-046-0210(2)(a-g) was described above in findings for OAR 660-046-0010(3), and below in findings for OAR 660-046-0215, OAR 660-046-0220, OAR 660-046-0225, OAR 660-046-0230 and OAR 660-046-0235. Design standards based on the Model Code for Large Cities (OAR 660-046-0010(4)(b)) are described in findings for OAR 660-046-0225. Those findings are incorporated here by reference.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0210(3).

660-046-0215: Permitted Uses and Approval Process

OAR text: Large Cities must apply the same approval process to Middle Housing as detached single-family dwellings in the same zone. Pursuant to OAR 660-008-0015 and ORS 197.307, Large Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Middle Housing consistent with the requirements of ORS 197.307. Nothing in this rule prohibits a Large City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

Finding: Single-Detached dwellings and middle housing are subject to the same approval process in all residential zones. In the proposed amendment, Section 40.21 includes three new applications for single-detached dwellings and middle housing. The applications include Single-Detached and Middle Housing Design Review One (a Type 1 review process), Single-Detached and Middle Housing Design Review Two (a Type 2 review process), and Single-Detached and Middle Housing Design Review Three (a Type 3 review process). The same threshold, procedure type, and approval criteria apply to single-detached dwellings and middle housing.

In addition, compliance with OAR 660-046-0215 was described above in findings for OAR 660-007-0015, which described clear and objective approval standards for housing; and are incorporated here by reference.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0215.

660-046-0220: Middle Housing Siting Standards in Large Cities

OAR text:

(1) Large Cities must apply siting standards to Duplexes in the same manner as required for Medium Cities in OAR 660-046-0120.



Finding: Compliance with OAR 660-046-0220(1) was described above in findings for OAR 660-046-0100 through OAR 660-046-0130, which described duplex requirements for Medium Cities, and is incorporated here by reference.

(2) The following governs Large Cities' regulation of siting standards related to Triplexes and Quadplexes:

(a) Minimum Lot or Parcel Size:

(A) For Triplexes:

(i) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 5,000 square feet or less, the minimum Lot or Parcel size for a Triplex may be no greater than 5,000 square feet.

Finding: In Section 20.05.15 (Site Development Standards), the minimum lot size for a single-detached dwelling in the RMA, RMB and RMC zones is 5,000 square feet or less. In RMA, the minimum lot size for a triplex is 3,000 square feet. In RMB, the minimum lot size for a triplex is 4,000 square feet. And in RMC, the minimum lot size for a triplex is 5,000 square feet.

(ii) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 5,000 square feet, the minimum Lot or Parcel size for a Triplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.

Finding: In Section 20.05.15 (Site Development Standards), there is no residential zone where the minimum lot size for a single-detached dwelling is greater than 5,000 square feet; therefore, this criterion is not applicable.

(B) For Quadplexes:

(i) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Quadplex may be no greater than 7,000 square feet.

Finding: In Section 20.05.15 (Site Development Standards), the minimum lot size for a single-detached dwelling in the RMA, RMB and RMC zones is less than 7,000 square feet. In RMA, the minimum lot size for a quadplex is 3,000 square feet. In

RMB, the minimum lot size for a quadplex is 4,000 square feet. And in RMC, the minimum lot size for a quadplex is 5,000 square feet.

(ii) If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Quadplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.

Finding: In Section 20.05.15 (Site Development Standards), there is no residential zone where the minimum lot size for a single-detached dwelling is greater than 7,000 square feet; therefore, this criterion is not applicable.

(C) A Large City may apply a lesser minimum Lot or Parcel size in any zoning district for a Triplex or Quadplex than provided in paragraphs (A) or (B).

Finding: Compliance with OAR 660-046-0220(2)(a)(C) was described above in findings for OAR 660-046-0220(2)(a)(A) and OAR 660-046-0220(2)(a)(B) and is incorporated here by reference.

(b) Density: If a Large City applies density maximums in a zone, it may not apply those maximums to the development of Quadplex and Triplexes.

Finding: Maximum density is not applied in the RMA, RMB and RMC zones.

Section 20.05.15 indicates that maximum density is allowed in the MR zone. However, OAR 660-046-0010 (Applicability) indicates that, "a Medium or Large City need not comply with this division for ... (b) Lots or Parcels that are Zoned For Residential Use but do not allow for the development of a detached single-family dwelling." Since Section 20.05.20 indicates that the MR zone does not allow new single-detached dwellings as a permitted use, then OAR 660-046-0220(2)(b) does not apply to the MR zone.

(c) Setbacks: A Large City may not require setbacks greater than those applicable to detached single-family dwellings in the same zone.

Finding: Section 20.05.15 (Site Development Standards) indicates that the same setbacks apply to single-detached dwellings, duplexes, triplexes and quadplexes.

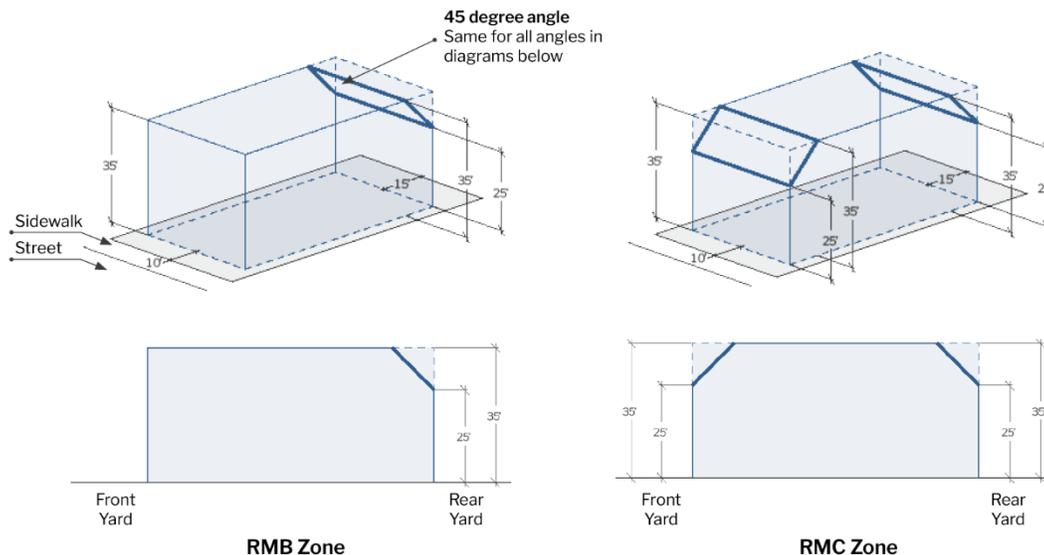
(d) Height: A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone, except a maximum height may not be less than 25 feet or two stories.

Finding: Section 20.05.15 (Site Development Standards) indicates that the same maximum height standards apply to single-detached dwellings, duplexes, triplexes and quadplexes in the MR, RMA, RMB and RMC zones.

The RMB and RMC zones have additional height limitations, which are applied to single-detached dwellings, duplexes, triplexes and quadplexes similarly.

In RMB and RMC, additional height limitations are proposed to apply at the front and/or rear setback line for single-detached homes, duplexes, triplexes and quadplexes. For both zones, the maximum building height at the rear setback line is proposed to be 25 feet. In RMB, height limit would increase from the rear setback and a 45-degree angle until it reached the maximum height of 35 feet. In RMC, the height limit at both the rear and front setbacks is proposed to be 25 feet, and the maximum height would increase at a 45-degree angle from both the front and rear until it reached the maximum height of 35 feet. This is illustrated in Figure 6.

Figure 6: Additional building height limitations in RMB and RMC



(e) Parking:

(A) For Triplexes, a Large City may require up to the following off-street parking spaces:

(i) For Lots or Parcels of less than 3,000 square feet: one space in total;

Finding: Section 60.30.10 (Number of Required Parking Spaces) indicates that two parking spaces are required per triplex on lots less than 5,000 square feet.

(ii) For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total; and

Finding: Section 60.30.10 (Number of Required Parking Spaces) indicates that two parking spaces are required per triplex on lots less than 5,000 square feet.

(iii) For Lots or Parcels greater than or equal to 5,000 square feet: three spaces in total.

Finding: Section 60.30.10 (Number of Required Parking Spaces) indicates that three parking spaces are required per triplex on lots 5,000 square feet or greater.

(B) For Quadplexes, a Large City may require up to the following off-street parking spaces:

(i) For Lots or Parcels of less than 3,000 square feet: one space in total;

Finding: Section 60.30.10 (Number of Required Parking Spaces) indicates that one parking space is required for lots under 3,000 square feet.

(ii) For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total;

Finding: Section 60.30.10 (Number of Required Parking Spaces) indicates that two parking spaces are required per quadplex on lots greater than or equal to 3,000 square feet and less than 5,000 square feet.

(iii) For Lots or Parcels greater than or equal to 5,000 square feet and less than 7,000 square feet: three spaces in total; and

Finding: Section 60.30.10 (Number of Required Parking Spaces) indicates that three parking spaces are required per quadplex on lots equal to or greater than 5,000 square feet but less than 7,000 square feet.

(iv) For Lots or Parcels greater than or equal to 7,000 square feet: four spaces in total.

Finding: Section 60.30.10 (Number of Required Parking Spaces) indicates that four parking spaces are required per quadplex on lots greater than or equal to 7,000 square feet.

(C) A Large City may allow on-street parking credits to satisfy off-street parking requirements.

Finding: Section 60.30.10 (Number of Required Parking Spaces) allows a maximum of two on-street parking credits that can be applied to off-street parking requirements for triplexes and quadplexes in the RMA, RMB and RMC zones.

(D) A Large City may allow, but may not require, off-street parking to be provided as a garage or carport.

Finding: The proposed amendment allows surface parking, garages and carports to count towards off-street parking requirements.

(E) A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.

Finding: In Section 60.05.60 (Design Standards and Guidelines for Single-Detached Dwellings and Middle Housing), Section 60.30 (Off-Street Parking), and Section 60.55.25 (Street and Bicycle and Pedestrian Connection Requirements), the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards are applied to single-detached dwellings and middle housing in the RMA, RMB and RMC zones.

(F) A Large City may not apply additional minimum parking requirements to Middle Housing created as provided in OAR 660-046-0230.



Finding: The proposed amendment does not apply additional minimum parking requirements to middle housing.

(f) Lot or Parcel Coverage and Floor Area Ratio: Large Cities are not required to apply Lot or Parcel coverage or floor area ratio standards to Triplexes or Quadplexes. However, if the Large City applies Lot or Parcel coverage or floor area ratio standards, it may not establish a cumulative Lot or Parcel coverage or floor area ratio for Triplexes or Quadplexes that is less than established for detached single-family dwelling in the same zone.

Finding: Section 20.05.15 (Site Development Standards) indicates that floor area maximums are applied to single-detached dwellings, duplexes, triplexes and quadplexes in the RMA, RMB and RMC zones. In each zone, the floor area maximum for triplexes and quadplexes is higher than the floor area maximum for single-detached dwellings to improve feasibility and ensure reasonable sized units for different types of families and households.

(g) A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Triplex or Quadplex development application.

Finding: The City of Beaverton will work with applicants to determine whether Sufficient Infrastructure will be provided or can be provided. The City of Beaverton's Public Works Department evaluates the proposed demand of the development in relation to existing and/or proposed infrastructure capacity for public water connections. The City of Beaverton works with other agencies as well that provide water to the city, such as Tualatin Valley Water District (TVWD) and a service provider letter from TVWD may be required to ensure adequate capacity is available through that system.

City of Beaverton Site Development staff also help identify approximate locations and sizes of existing sewer connections that may be available within the vicinity of the development site. Site Development staff also work with Clean Water Services to determine the storm water system requirements for proposed developments.

Triplex and Quadplex applications will also be required to address applicable sections of Chapter 60, including Section 60.55.25 which requires onsite pedestrian and vehicular circulation systems to extend to the boundaries of the development site and connect to adjacent streets. Tualatin Valley Fire & Rescue will also be able to review the proposal to ensure adequate emergency access is provided.

(3) The following governs Large Cities' regulation of siting standards related to Townhouses:

(a) **Minimum Lot or Parcel Size:** A Large City is not required to apply a minimum Lot or Parcel size to Townhouses, but if it applies those standards, the average minimum Lot or Parcel size for Lot or Parcels in a Townhouse Project may not be greater than 1,500 square feet. A Large City may apply separate minimum Lot or Parcel sizes for internal, external, and corner Townhouse Lots or Parcels provided that they average 1,500 square feet, or less.

Finding: In Section 20.05.15 (Site Development Standards), the minimum lot size for a townhouse is 1,500 square feet or less in the MR, RMA, RMB and RMC zones. The proposed amendment does not include separate minimum lot sizes for internal, external and corner townhouse lots.

(b) **Minimum Street Frontage:** A Large City is not required to apply a minimum street frontage standard to Townhouses, but if it applies those standards, the minimum street frontage standard must not exceed 20 feet. A Large City may allow frontage on public and private streets or alleys; and on shared or common drives. If a Large City allows flag Lots or Parcels, it is not required to allow Townhouses on those Lots or Parcels.

Finding: In Section 20.05.15 (Site Development Standards), the minimum lot width for a townhouse is 20 square feet or less in the MR, RMA, RMB and RMC zones.

(c) **Density:** If a Large City applies density maximums in a zone, it must allow four times the maximum density allowed for detached single-family dwellings in the same zone for the development of Townhouses or 25 dwelling units per acre, whichever is less.

Finding: Section 20.05.15 (Site Development Standards) does not apply maximum density in the RMA, RMB and RMC zones.

Section 20.05.15 does apply maximum density in the MR zone. However, OAR 660-046-0010 (Applicability) indicates that, "a Medium or Large City need not comply with this division for ... (b) Lots or Parcels that are Zoned For Residential Use but do not allow for the development of a detached single-family dwelling." Since Section 20.05.20 indicates that the MR zone does not allow new single-detached dwellings as a permitted use, therefore, OAR 660-046-0220(3)(c) does not apply to the MR zone.

(d) Setbacks: A Large City may not require front, side, or rear setbacks to be greater than those applicable to detached single-family structures in the same zone and must allow zero-foot side setbacks for Lot or Parcel lines where Townhouse units are attached.

Finding: Section 20.05.15 (Site Development Standards) indicates that the same setbacks generally apply to single-detached dwellings and townhouses. The only exception is that townhouses are allowed to have zero-foot side setbacks where townhouse units are attached.

(e) Height: A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone. If a Large City requires covered or structured parking for townhouses, the applicable height standards must allow construction of at least three stories. If a Large City does not require covered or structured parking, the applicable height standards must allow construction of at least two stories.

Finding: Section 20.05.15 (Site Development Standards) indicates that the same maximum height standards apply to single-detached dwellings and townhouses in the MR, RMA, RMB and RMC zones. In RMB and RMC zones, there are additional height limitations for single-detached dwellings, but these do not apply to townhouses. Furthermore, the proposed amendment does not require covered or structured parking for townhouses. The lowest height maximum in residential zones is 35 feet (in the RMB and RMC zones), which supports construction of at least two stories.

(f) Parking:

(A) A Large City may not require more than one off-street parking space per Townhouse dwelling unit.

Finding: Section 60.30.10 (Number of Required Parking Spaces) indicates that one off-street parking space is required per townhouse dwelling unit.

(B) Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.

Finding: Section 60.30.10 (Number of Required Parking Spaces) indicates that on-street parking credits cannot be applied to off-street parking requirements for townhouses in the RMA, RMB and RMC zones.



(C) A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.

Finding: In Section 60.05.60 (Design Standards and Guidelines for Single-Detached Dwellings and Middle Housing), Section 60.30 (Off-Street Parking), and Section 60.55.25 (Street and Bicycle and Pedestrian Connection Requirements), the same off-street parking surfacing, dimensional, landscaping and circulation standards are applied to single-detached dwellings and middle housing in the RMA, RMB and RMC zones.

Section 60.05.60 does include separate driveway access standards for townhouses. However, these are based off the state-approved Model Code referenced in OAR 660-046-0010 (Applicability). Where they deviate from design standards in the Model Code, they are less restrictive than what is required by the Model Code.

(g) Bulk and Scale: A Large City is not required to apply standards to control bulk and scale to new Townhouses. However, if a Large City chooses to regulate scale and bulk, including but not limited to provisions including Lot or Parcel coverage, floor area ratio, and maximum unit size, those standards cannot cumulatively or individually limit the bulk and scale of the cumulative Townhouse project greater than that of a single-family detached dwelling.

Finding: Section 20.05.15 (Site Development Standards) indicates that floor area maximums do not apply to townhouses in the RMA, RMB and RMC zones.

(h) A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Townhouse development application.

Finding: The City of Beaverton will work with applicants to determine whether Sufficient Infrastructure will be provided or can be provided. The City of Beaverton's Public Works Department evaluates the proposed demand of the development in relation to existing and/or proposed infrastructure capacity for public water connections.

The City of Beaverton works with other agencies as well that provide water to the city, such as Tualatin Valley Water District (TVWD) and a service provider letter from TVWD may be required to ensure adequate capacity is available through that system.



City of Beaverton Site Development staff also help identify approximate locations and size of existing sewer connections that may be available within the vicinity of the development site.

Site Development staff also work with Clean Water Services to determine the storm water system requirements for proposed developments.

Townhouse development applications will also be required to address applicable sections of Chapter 60, including Section 60.55.25 which requires onsite pedestrian and vehicular circulation systems to extend to the boundaries of the development site and connect to adjacent streets.

Tualatin Valley Fire & Rescue will also be able to review the proposal to ensure adequate emergency access is provided.

(4) The following governs Large Cities' regulation of siting standards related to Cottage Clusters:

(a) Minimum Lot or Parcel Size: A Large City is not required to apply minimum Lot or Parcel size standards to new Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel size for Cottage Clusters on a single Lot or Parcel, the following provisions apply:

(A) If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Cottage Cluster may be no greater than 7,000 square feet.

Finding: In Section 20.05.15 (Site Development Standards), the minimum lot size for a cottage cluster is 7,000 square feet in the RMA, RMB and RMC zones.

(B) If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Cottage Cluster may not be greater than the minimum Lot or Parcel size for a detached single-family dwelling.

Finding: In Section 20.05.15 (Site Development Standards), the minimum lot size for a cottage cluster is 7,000 square feet in the RMA, RMB and RMC zones.

(b) Minimum Lot or Parcel Width: A Large City is not required to apply minimum Lot or Parcel width standards to Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel width for Cottage Clusters, it may not require a minimum Lot or Parcel width that is

greater than the standard for a single-family detached dwelling in the same zone.

Finding: In Section 20.05.15 (Site Development Standards), the minimum lot width is the same for a single-detached dwelling and cottage clusters in the RMA, RMB and RMC zones.

(c) Density: A Large City may not apply density maximums to the development of Cottage Clusters. A Cottage Cluster development must meet a minimum density of at least four units per acre.

Finding: In Section 20.05.15 (Site Development Standards), maximum density does not apply to cottage clusters in the RMA, RMB and RMC zones.

(d) Setbacks: A Large City may not require perimeter setbacks to be greater than those applicable to detached single-family dwellings in the same zone. Additionally, perimeter setbacks applicable to Cottage Cluster dwelling units may not be greater than ten feet. The minimum distance between structures may not be greater than what is required by applicable building code requirements or 10 feet.

Finding: In Section 20.05.15 (Site Development Standards), the front and side minimum yard setbacks are the same for a single-detached dwelling and cottage clusters in the RMA, RMB and RMC zones. The rear minimum yard setback is 10 feet for cottage clusters in the RMA, RMB and RMC zones, compared to 15 feet for single-detached dwellings. The minimum distance between structures is regulated by applicable building code requirements.

(e) Dwelling Unit Size: A Large City may limit the minimum or maximum size of dwelling units in a Cottage Cluster, but must apply a maximum building footprint of less than 900 square feet per dwelling unit. A Large City may exempt up to 200 square feet in the calculation of dwelling unit footprint for an attached garage or carport. A Large City may not include detached garages, carports, or accessory structures in the calculation of dwelling unit footprint.

Finding: In the proposed amendment, Section 60.05.60 (Design Standards and Guidelines for Single-Detached) includes a design standard for minimum number of dwellings in a cottage cluster (5 units) and a design standard for maximum number of dwellings in a cottage cluster (12-16 units, depending upon the size of the common courtyard). Chapter 90 includes a definition of cottage cluster which indicates that each cottage shall have a maximum building footprint of less than 900 square feet per dwelling unit.

(f) Parking:

(A) A Large City may not require more than one off-street parking space per dwelling unit in a Cottage Cluster.

Finding: Section 60.30.10 (Number of Required Parking Spaces) indicates that one off-street parking space is required per dwelling unit in a cottage cluster.

(B) A Large City may allow but may not require off-street parking to be provided as a garage or carport.

Finding: The proposed amendment allows surface parking, garages and carports to count towards off-street parking requirements.

(C) Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.

Finding: Section 60.30.10 (Number of Required Parking Spaces) allows a maximum of one on-street parking credit per three cottages for cottage clusters in the RMA, RMB and RMC zones

(g) Lot or Parcel Coverage and Floor Area Ratio: A Large City may not apply Lot or Parcel coverage or floor area ratio standards to Cottage Clusters.

Finding: Section 20.05.15 (Site Development Standards) indicates that floor area maximums do not apply to cottage clusters in the RMA, RMB and RMC zones.

(h) Nothing in this division precludes a Large City from allowing Cottage Cluster dwelling units on individual Lots or Parcels within the Cottage Cluster development.

Finding: Section 40.45.15 (Application for Preliminary Middle Housing Land Division) provides a pathway for each dwelling unit in a cottage cluster to be on its own lot in the RMA, RMB and RMC zones.

(i) A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Cottage Cluster development application.

Finding: The City of Beaverton will work with applicants to determine whether Sufficient Infrastructure will be provided or can be provided. The City of Beaverton's Public Works Department evaluates the proposed demand of the development in relation to existing and/or proposed infrastructure capacity for public water connections.



The City of Beaverton works with other agencies as well that provide water to the city, such as Tualatin Valley Water District (TVWD) and a service provider letter from TVWD may be required to ensure adequate capacity is available through that system.

City of Beaverton Site Development staff also help identify approximate locations and size of existing sewer connections that may be available within the vicinity of the development site.

Site Development staff also work with Clean Water Services to determine the storm water system requirements for proposed developments.

Cottage Cluster applications will also be required to address applicable sections of Chapter 60, including Section 60.55.25 which requires onsite pedestrian and vehicular circulation systems to extend to the boundaries of the development site and connect to adjacent streets.

Tualatin Valley Fire & Rescue will also be able to review the proposal to ensure adequate emergency access is provided.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0220.

660-046-0225: Middle Housing Design Standards in Large Cities

OAR text:

(1) A Large City is not required to apply design standards to Middle Housing. However, if a Large City chooses to apply design standards to Middle Housing, it may only apply the following:

(a) Design standards in the Model Code for Large Cities as provided in OAR 660-046-0010(4)(b);

Finding: In the proposed amendment, Section 60.05.60 (Design Standards and Guidelines for Single-Detached) includes design standards are guidelines organized into three sections: (1) Single-Detached Dwellings, Duplexes, Triplexes and Quadplexes; (2) Townhouses and (3) Cottage Clusters. Section 60.05.60 applies to single-detached dwellings and middle housing in the RMA, RMB and RMC zones only.

Design standards are generally based on the Model Code. Where they deviate from the Model Code, they are either less restrictive, or they are the same clear and objective design standards that apply to single-detached dwellings.

In Section 60.05.60, no design standard scales by the number of dwelling units or other features that scale with the number of dwelling units.

(b) Design standards that are less restrictive than those in the Model Code for Large Cities as provided in OAR 660-046-0010(4)(b);

Finding: Compliance with OAR 660-046-0225(1)(b) was described above in findings for OAR 660-046-0225(1)(a). Those findings, which described design standards for single-detached dwellings and middle housing, are incorporated here by reference.

(c) The same clear and objective design standards that the Large City applies to detached single-family structures in the same zone. Design standards may not scale by the number of dwelling units or other features that scale with the number of dwelling units, such as primary entrances. Design standards may scale with form-based attributes, including but not limited to floor area, street-facing façade, height, bulk, and scale; or

Finding: Compliance with OAR 660-046-0225(1)(c) was described above in findings for OAR 660-046-0225(1)(a). Those findings, which described design standards for single-detached dwellings and middle housing, are incorporated here by reference.

(d) Alternative design standards as provided in OAR 660-046-0235.

Finding: The proposed amendment does not include alternative design standards for single-detached dwellings or middle housing in the RMA, RMB or RMC zones.

(2) A Large City may not apply design standards to Middle Housing created as provided in OAR 660-046-0230.

Finding: In the proposed amendment, Section 40.21 (Single-Detached and Middle Housing Design Review) indicates that Design Review is not required for creation of middle housing through the addition to, or conversion of, an existing single-detached dwelling.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0225.

660-046-0230: Middle Housing Conversions

OAR text:

(1) Additions to, or conversions of, an existing detached single-family dwelling into Middle Housing is allowed in a Large City pursuant to OAR 660-046-0205(2),

provided that the addition or conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the Large City's development code.

Finding: The proposed amendment allows the addition to, or conversion of, an existing single-detached dwelling into middle housing. Section 20.05.15 (Site Development Standards) allows higher floor area maximum for duplexes, triplexes and quadplexes to make it more feasible to convert a single-detached dwelling into middle housing. Furthermore, Section 40.21 (Single-Detached and Middle Housing Design Review) indicates that Design Review is not required for creation of middle housing through the addition to, or conversion of, an existing single-detached dwelling.

(2) If Middle Housing is created through the addition to, or conversion of, an existing detached single-family dwelling, a Large City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Middle Housing.

Finding: The proposed amendment establishes that single-detached dwellings and Middle Housing are subject to the same public work standards, including exceptions.

(3) An existing detached single-family dwelling may remain on a Lot or Parcel with a Cottage Cluster as described below:

(a) The existing single-family dwelling may be nonconforming with respect to the requirements of the applicable code.

Finding: In the proposed amendment, Section 60.05.60 (Design Guidelines and Standards for Cottage Clusters) includes design standards for cottage clusters that relate to existing structures in a cottage cluster. These standards indicate that the existing single-detached dwelling can (1) be nonconforming, (2) expanded up to a maximum height of 25 feet or a building footprint less than 900 square feet, and (3) count as a unit in the cluster.

(b) The existing single-family dwelling may be expanded up to the maximum height, footprint, or unit size required by the applicable code; however, an existing single-family dwelling that exceeds the maximum height, footprint, or unit size of the applicable code may not be expanded.

Finding: Compliance with OAR 660-046-0230(3)(b) was described above in findings for OAR 660-046-0230(3)(a). Those findings, which describe how existing single-detached dwellings can be included in a cottage cluster, are incorporated here by reference.

(c) The existing single-family dwelling shall count as a unit in the Cottage Cluster.

Finding: Compliance with OAR 660-046-0230(3)(c) was described above in findings for OAR 660-046-0230(3)(a). Those findings, which describe how existing single-detached dwellings can be included in a cottage cluster, are incorporated here by reference.

(d) The floor area of the existing single-family dwelling shall not count towards any Cottage Cluster average or Cottage Cluster project average or total unit size limits.

Finding: The proposed amendment does not include floor area averages for cottage clusters or cottage cluster projects; therefore, this criterion is not applicable.

(e) A Large City may apply a time limit on the conversion of a single-family dwelling to a Cottage Cluster not to exceed five years.

Finding: The proposed amendment does not address time limits on the conversion of a single-detached dwelling in a cottage cluster; therefore, this criterion is not applicable.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0230.

660-046-0235: Alternative Siting or Design Standards

OAR text: A Large City may adopt Siting or Design Standards not authorized by OAR 660-046-0220 or OAR 660-046-0225 as allowed if the city can demonstrate that it meets the applicable criteria in this section. Alternative Siting or Design standards do not include minimum Lot or Parcel size and maximum density requirements. If a Large City proposes to adopt alternative Siting or Design Standards, the Large City must submit to the Department findings and analysis demonstrating that the proposed standard or standards will not, individually or cumulatively, cause unreasonable cost or delay to the development of Middle Housing: ...

Finding: The proposed text amendment (TA 2022-0002) does not include alternative siting or design standards.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0235.



660-046-0350: Application Submittal Timeline and Requirements

OAR text: (1) Local governments requesting a time extension must file IBTER applications [“IBTER” means an infrastructure-based time extension request submitted by a local government for an extension of time to adopt land use regulations or amend a comprehensive plan as provided for under Oregon Laws 2019, chapter 639, section 4] with the department as follows: (a) By December 31, 2020 for local governments subject to ORS 197.758(3). (b) By June 30, 2021 for local governments subject to ORS 197.758(2) ...

Finding: The proposed text amendment (TA 2022-0002) does not include an infrastructure-based time extension request.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with OAR 660-046-0350.

Oregon Administrative Rule Compliance Summary: Staff finds that the proposed Development Code text amendments comply with applicable Oregon Administrative Rules.

Oregon Revised Statutes

In the Comprehensive Plan, Section 1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments also indicates that the proposed amendment is consistent and compatible with relevant Oregon Administrative Rules. Section 1.5.1 does not explicitly address Oregon Revised Statutes, but compliance with them is required; therefore, they are included here to demonstrate compliance. In the following section, Oregon Revised Statutes are only included if they are relevant, and not already classified as the statutory authority for OARs addressed in the previous section. With that in mind, the following Oregon Revised Statutes apply:

92.031: Middle Housing Land Division; Conditions of Approval

ORS text:

(1) As used in this section, “middle housing land division” means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197.758 (2) or (3).

(2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:

(a) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758 (5);

- (b) Separate utilities for each dwelling unit;
 - (c) Proposed easements necessary for each dwelling unit on the plan for:
 - (A) Locating, accessing, replacing and servicing all utilities;
 - (B) Pedestrian access from each dwelling unit to a private or public road;
 - (C) Any common use areas or shared building elements;
 - (D) Any dedicated driveways or parking; and
 - (E) Any dedicated common area;
 - (d) Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas; and
 - (e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.
- (3) A city or county may add conditions to the approval of a tentative plan for a middle housing land division to:
- (a) Prohibit the further division of the resulting lots or parcels.
 - (b) Require that a notation appear on the final plat indicating that the approval was given under this section.
- (4) In reviewing an application for a middle housing land division, a city or county:
- (a) Shall apply the procedures under ORS 197.360 to 197.380.
 - (b) May require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197.758.
 - (c) May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.
 - (d) May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380.



(e) May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.

(f) May require the dedication of right of way if the original parcel did not previously provide a dedication.

(5) The type of middle housing developed on the original parcel is not altered by a middle housing land division.

(6) Notwithstanding ORS 197.312 (5), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.

(7) The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval. Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits. [2021 c.103 §2]

Finding: Section 40.45 (Land Division and Reconfiguration) includes a new application for Preliminary Middle Housing Land Divisions (MHLDs). Section 40.45 demonstrates that MHLDs will follow the same state-mandated procedure as Expedited Land Divisions (ELDs).

Approval of the tentative plan will be contingent upon compliance with the Oregon residential specialty code, separate utilities for each dwelling unit, proposed easements (if necessary) and a limitation of one dwelling per lot.

In the proposed amendment, accessory dwelling units are only allowed on lots with single-detached homes; therefore, ORS 92.031(6) is not applicable.

Furthermore, since Section 40.45 includes updated applications for ELDs and MHLDs, the procedural requirements in Section 50.53 have been updated too.

Proposed amendments do not subject MHLDs or ELDs to procedures, ordinances or regulations that are inconsistent with ORS 92.031 or ORS 197.360 to 197.380.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with ORS 92.031.

197.312: Limitation on City and County Prohibitions

ORS text:

(1) A local government may not prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy, manufactured homes or prefabricated structures ...

Finding: In the proposed amendment, Section 20.05.20 (Residential Land Uses) indicates that single-detached dwellings, middle housing and manufactured homes are allowed in the RMA, RMB and RMC zones. Multi-dwelling structures are allowed in the MR and RMA zones only.

As required by ORS 455 (Building Code Definitions), prefabricated homes are treated like site-built homes in the Development Code. In Chapter 90, the definition for manufactured home has been updated to indicate that a prefabricated structure is not a manufactured home.

Furthermore, the Development Code does not regulate by owner and renter occupancy for any housing type in any residential zone.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with ORS 197.312.

197.314: Required Siting of Manufactured Homes

ORS text:

(1) Notwithstanding any other provision in ORS 197.286 to 197.314, within an urban growth boundary, a local government shall allow the siting of manufactured homes and prefabricated structures on all land zoned to allow the development of single-family dwellings.

(2) This section does not apply to any area designated in an acknowledged comprehensive plan or land use regulation as a historic district or residential land immediately adjacent to a historic landmark.

(3) Manufactured homes and prefabricated structures allowed under this section are in addition to manufactured dwellings or prefabricated structures allowed within designated manufactured dwelling subdivisions.

(4) A local government may not subject manufactured homes or prefabricated structures within an urban growth boundary, or the land upon which the homes or structures are sited, to any applicable standard that would not apply to a detached, site-built single-family dwelling on the same land, except:

(a) As necessary to comply with a protective measure adopted pursuant to a statewide land use planning goal; or

(b) To require that the manufacturer certify that the manufactured home or prefabricated structure has an exterior thermal envelope meeting performance standard which reduce levels equivalent to the performance



standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010...

Finding: In the proposed amendment, Section 20.05.20 (Residential Land Uses) indicates that manufactured homes are allowed in the RMA, RMB and RMC zones. In Section 60.20 (Mobile and Manufactured Home Regulations), siting and design standards that require multi-sectional homes, a minimum size, a roof pitch, exterior materials, skirting and required architectural features have been deleted since these standards do not apply to single-detached development. And in Chapter 90, new definitions for duplex, triplex and quadplex indicate that detached plexes can include either site-built homes or manufactured homes.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with ORS 197.314.

197.365: Application for Expedited Land Division

ORS text: Unless the applicant requests to use the procedure set forth in a comprehensive plan and land use regulations, a local government shall use the following procedure for an expedited land division, as described in ORS 197.360, or a middle housing land division under section 2 of this 2021 Act ...

(4) After notice under subsections (2) and (3) of this section, the local government shall:

- (a) Provide a 14-day period for submission of written comments prior to the decision.
- (b) Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the applicable land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. For applications subject to this section, the local government:
 - (A) Shall not hold a hearing on the application; and
 - (B) Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. The summary statement may be in any form reasonably intended to communicate the local government's basis for the determination.



(c) Provide notice of the decision to the applicant and to those who received notice under subsection (2) of this section within 63 days of the date of a completed application...

Finding: Compliance with ORS 197.365 was described above in findings for ORS 92.031. Those findings, which describe approval criteria and procedures for middle housing land divisions, are incorporated here by reference.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with ORS 197.365.

197.370: Failure of Local Government to Approve or Deny Application within Specified Time

ORS text:

(1) Except as provided in subsection (2) of this section, if the local government does not make a decision on an expedited land division or a middle housing land division, as defined in section 2 of this 2021 Act, within 63 days after the application is deemed complete, the applicant may apply in the circuit court for the county in which the application was filed for a writ of mandamus to compel the local government to issue the approval. The writ shall be issued unless the local government shows that the approval would violate a substantive provision of the applicable land use regulations or the requirements of ORS 197.360 or section 2 of this 2021 Act. A decision of the circuit court under this section may be appealed only to the Court of Appeals.

(2) After seven days' notice to the applicant, the governing body of the local government may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one or more applications for an expedited land division or a middle housing land division prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of ORS 197.360 to 197.380 and section 2 of this 2021 Act, including the mandamus remedy provided by subsection (1) of this section, shall remain applicable to the land division, except that the extended period shall be substituted for the 63-day period wherever applicable.

(3) The decision to approve or not approve an extension under subsection (2) of this section is not a land use decision or limited land use decision.



Finding: Compliance with ORS 197.370 was described above in findings for ORS 92.031. Those findings, which describe approval criteria and procedures for middle housing land divisions, are incorporated here by reference.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with ORS 197.370.

197.375: Appeal of Decision on Application for Expedited Land Division

ORS text: (1) An appeal of a decision made under ORS 197.360 and 197.365 or under ORS 197.365 and section 2 of this 2021 Act shall be made as follows: (a) An appeal must be filed with the local government within 14 days of mailing of the notice of the decision under ORS 197.365 (4) ...

Finding: Compliance with ORS 197.375 was described above in findings for ORS 92.031. Those findings, which describe approval criteria and procedures for middle housing land divisions, are incorporated here by reference.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with ORS 197.375.

197.485: Prohibition on Restrictions of Manufactured Dwelling

ORS text: ... (3) A jurisdiction may not prohibit the placement of a prefabricated structure in a mobile home or manufactured dwelling park ...

Finding: The proposed amendment does not prohibit the placement of a prefabricated structure in a mobile home or manufactured dwelling park.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with ORS 197.485.

Oregon Revised Statues Compliance Summary: Staff finds that the proposed Development Code text amendments comply with applicable Oregon Revised Statutes.

Section 40.85.15.1.C.5

Criterion: The proposed text amendment is consistent with other provisions within the City's Development Code.

Finding: Most of the amendments to Chapters 10, 20, 30, 40, 50, 60, 70 and 90 are included to expand housing variety in the RMA, RMB and RMC zones, promote more flexibility with development and design standards and comply with recent changes in state law. These amendments address these three goals and ensure that proposed changes are



consistent among all chapters. Staff has not identified any inconsistencies within the City's Development Code.

Conclusion: Therefore, staff finds the Development Code text amendment is consistent with the city's Development Code.

Section 40.85.15.1.C.6

Criterion: The proposed amendment is consistent with all applicable City ordinance requirements and regulations.

Finding: Staff has not identified any other applicable city ordinance requirements and regulations that would be affected by the proposed changes.

Conclusion: Therefore, staff finds that the text amendment meets the criterion for approval.

Section 40.85.15.1.C.7

Criterion: Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Finding: Staff have determined that there are no other applications and documents related to the request that will require further city approval.

Conclusion: Therefore, staff finds that the text amendment meets the criterion for approval.

STAFF RECOMMENDATION

Based on the facts and findings presented, staff offers the following recommendation for the conduct of the May 11, 2022, public hearing for TA2022-0002, Housing Options Project Development Code Text Amendment.

- A. Conduct the public hearing and receive all public testimony relating to the proposal.



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- B. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
- C. Recommend **APPROVAL** of the Development Code Text Amendment application TA2022-0002 Housing Option Project to the City Council.

ZMA2022-0004 ZONING MAP AMENDMENT ANALYSIS AND FINDINGS

ZMA2022-0004 Zoning Map Amendment Procedures and Approval Criteria

Section 40.97.15.2.C of the Code specifies that to approve a Legislative Zoning Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.97.15.2.C.1-7 are satisfied. The following are the findings of fact for ZMA2022-0004 Housing Options Project Zoning Map Amendment):

Section 40.97.15.C.1

Criterion: The proposal satisfies the threshold requirements for a Legislative Zoning Map Amendment application.

FINDING

Section 40.97.15.2.A specifies that an application for a Legislative Zoning Map Amendment shall be required when there is proposed a change of zoning designation for a large number of properties. ZMA2022-0004 proposes to change the zoning designation of thousands of properties because the proposed zoning map amendment would rename R1 as Multi-unit Residential (MR) and merge the current R2, R4, R5, R7 and R10 zones into three new zones, Residential Mixed A, Residential Mixed B, and Residential Mixed C, abbreviated as RMA, RMB, and RMC.

Single-detached homes and middle housing are allowed in all the zones. The proposed zoning map is shown in Figure 2 in the Background section of this document. For the proposed amendments, map changes include:

- R1 is proposed to keep the same geography but is renamed Multi-unit Residential, or MR
- R2 is proposed to keep the same geography and become RMA.
- R4 and R5 are proposed to merge into RMB, so RMB is applied to the entire geography covered by R4 plus R5 .
- R7 and R10 are proposed to merge RMC, so RMC is applied to the entire geography covered by R7 plus R10.



Conclusion: Staff finds that the proposed amendment is consistent with the Section 40.97.15.C.1.

Section 40.97.15.C.2

Criterion: The proposal conforms with applicable policies of the City's Comprehensive Plan.

Comprehensive Plan Chapter 2: Community Involvement Element

Goal 1: The Planning Commission, City Council, and other decision making bodies shall use their best efforts to involve the community in the planning process.

Finding: The Comprehensive Plan's Procedure's Element and the city's Development Code procedures were created based on and have been found consistent with the Community Involvement Element. Those findings are incorporated here by reference.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Chapter 2: Community Involvement Element.

Comprehensive Plan Chapter 3: Land Use Element

Goal 3.1.1: Encourage development and land use patterns that support a variety of transportation options.

Policy d) Apply land use designations and development regulations that support high-density development near transit and services, in order to provide greater opportunities to live, work, and meet daily needs near transit.

Finding: The Chapter 3 Comprehensive Plan amendments provide land use designations and corresponding implementing zoning districts (found in the proposed Comprehensive Plan and Zoning District Matrix under Goal 3.4.1) that provide the opportunity to have additional housing variety and density throughout the Neighborhoods designation, but also include policy changes that indicate zoning with additional density is appropriate near transit and services. Proposed Policy d) under Goal 3.8.2 indicates that "Implementing zones with higher minimum density may be applied relatively closer to transit, major intersections or highway interchanges, and implementing zones with lower minimum density may be applied farther from those areas."

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.1.1 policy d.



Goal 3.2.1: Encourage development and land use patterns that support a variety of transportation options.

Policy a) Apply land use designations and development regulations that support high-density development near transit and services, in order to provide greater opportunities to live, work, and meet daily needs near transit.

- ii. Allow a wider variety of housing choices that can accommodate a range of ages, household sizes and/or income levels while ensuring the new housing responds to the scale and form of the neighborhood.

Finding: The proposed amendments apply the RMA, RMB, and RMC zones, which all allow housing variety including duplexes, triplexes, quadplexes, townhouse and cottage cluster, where the current R2, R4, R5, R7, and R10 zones now exist on the Zoning Map. Many of the locations currently in R2 through R10 are near transit, employment areas, and commercial areas where shops and services are available. This will allow a wide variety of housing types in a range of configurations that can meet the housing needs of a wider range of people. This will mean people with different household sizes or incomes will have more opportunities to live in a where there are opportunities to live, work, and meet daily needs near their home or where those destinations can be easily reached by transit, especially as compared to neighborhoods where only single-detached homes are allowed. The proposed amendments contain multiple zoning districts so the code can respond to the scale and form of the neighborhood, as explained in the background summary above and addressed in more detail in the findings for TA2022-0002.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.2.1 policy a)ii.

Goal 3.4.1 Provide effective and inclusive planning and development review services

Policy d) Apply zoning districts consistent with Comprehensive Plan policies; applicable Community Plans; adopted Comprehensive Plan designations, as identified in the Comprehensive Plan and zoning district matrix, below; and the following policies.

- i. New zoning districts consistent with applicable Comprehensive Plan policies may be added or modified as needed to address area-specific needs or changing circumstances.

Finding: The Comprehensive Plan amendment 2022-0004 proposes changes to the Comprehensive Plan and zoning district matrix to comply with 2019's House Bill 2001, which is state law, and Oregon Administrative Rules 660 Division 46: Middle

Housing in Medium and Large Cities. The state law and associated administrative rules are a “changing circumstance.” In addition, the current Comprehensive Plan in Goal 3.2.1, Policy a, calls for the Development Code to allow a wider variety of housing units, and the proposed amendments would apply a zoning map to help achieve that. So the new districts applied as part of the Zoning Map Amendment are consistent with Comprehensive Plan policies.

The proposed Comprehensive Plan amendments described in this staff report contain updates to the Comprehensive Plan and Zoning Matrix to reflect the new zone names.

The consistency with the Comprehensive Plan also is described under the rest of Section 40.97.15.C.2 of this staff report.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.4.1 policy d)i.

Goal 3.4.2 Coordinate with Washington County on planning for the Urban Planning Area

Policy a) Coordinate with Washington County on planning and development review for the area outside city limits but within the Urban Planning Area, consistent with the adopted Urban Planning Area Agreement between the City of Beaverton and Washington County.

Finding: The Washington County-Beaverton Urban Planning Area Agreement says in Section V.A.: “The CITY and COUNTY agree that when annexation to the CITY takes place, the transition in land use designation from one jurisdiction to another should be orderly, logical and based upon the process in B, below.” In Section V.B., it says, “Upon annexation, the CITY shall initiate changes to the Comprehensive Plan land use and zoning designations corresponding as closely as possible to designations already adopted by the COUNTY. The CITY shall maintain a list of COUNTY land use designations and the corresponding CITY comprehensive plan and zoning designations.” The list referred to in Section V.B. is maintained in Land Use Element Table 1.5.2., which is shown in Table 2 in the background section of this staff report. Proposed changes to Land Use Element Table 1.5.2, shown above in the background section, includes proposed amendments to Chapter 1 of the Comprehensive Plan to identify Beaverton land use designations and zoning districts that are similar to Washington County’s designations. City staff evaluated the permitted land uses, densities and other related development standards in Washington County’s proposed amendment to implement House Bill 2001 and Beaverton’s proposed amendments to implement HB2001 to determine which Beaverton land use



designations and zoning districts were similar. City staff shared the proposed Table 1.5.2 with Washington County staff and received no comments. If the proposed amendments are approved and proposed Table 1.5.2 becomes effective, properties within the Washington County district designations shown in Table 1.5.2 will be assigned the corresponding Beaverton land use designation and zoning district through a Type I, non-discretionary City Council action. Staff coordinated with Washington County both in the development of the Urban Planning Area Agreement and the proposed amendments.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.4.2 policy a.

Goal 3.8.2 Low and Standard Density Neighborhoods: Provide residential neighborhoods that emphasize detached housing and integrate parks, schools, and other community institutions

Finding: Goal 3.8.2 is proposed for revision to reflect the deletion of the Low Density Neighborhoods designation and the renaming of the “Standard Density Neighborhoods” designation as “Lower Density Neighborhoods.” In addition, the goal is revised to call for an emphasis on housing variety rather than detached housing to make it more consistent with the proposed amendments and the state law requirement that the city allow middle housing. If the amendments take effect, the goal would read: “Lower Density Neighborhoods: Provide residential neighborhoods that emphasize housing variety and integrate parks, schools and other community institutions.”

Policy a) Allow and encourage a variety of housing types that respond to the scale and form of existing neighborhoods as a way to increase housing options within established neighborhoods while recognizing neighborhood character.

Finding: The proposed Comprehensive Plan land use designation of Lower Density Neighborhoods and its corresponding implementing zones, RMB and RMC, allow for a variety of housing options with flexible development rules that allow the development of housing in a variety of configurations and sizes. These housing types include single-detached homes, duplexes, triplexes, quadplexes, townhouses and cottage clusters. Site and building design standards in the TA 2022-0002 proposed Development Code amendments also include height, bulk, setback, tree planting, parking and other standards that allow single-detached homes and middle housing in a way that considers context and neighborhood character. The text amendments for implementing zones in this land use designation also propose different zones that reflect the geographies of the current zoning districts. RMB (currently the R4 and R5 zones), and RMC (currently the R7 and R10 zones). Standards for minimum



lot size, minimum density, maximum floor area ratio and other requirements vary according to the three land uses so the Development Code can recognize neighborhood character and context.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.2 policy a.

Goal 3.8.3 Medium and High Density Neighborhoods: Provide for a variety of housing types and higher residential densities in areas with more amenities and transit service.

Goal 3.8.3 is proposed to be revised to read: “Medium Density Neighborhoods and High Density Neighborhoods: Provide for a variety of housing types and higher residential densities in areas with more amenities and transit service.” The change does not change the meaning of the goal but makes it clearer that it applies to two land use designations.

Policy c) Focus the highest density housing closest to transit, commercial services, parks, and/or other amenities, to provide convenient access to these amenities by as many households as possible.

Finding: The proposed Comprehensive Plan land use designation of Medium Density Neighborhoods and High Density Neighborhoods and its corresponding implementing zones, RMB and RMC, allow for a variety of housing options with flexible development rules that allow the development of housing in a variety of configurations and sizes. These housing types include single-detached homes, duplexes, triplexes, quadplexes, townhouses and cottage clusters. Site and building design standards in the TA 2022-0002 proposed Development Code amendments also include height, bulk, setback, tree planting, parking and other standards that allow single-detached homes and middle housing in a way that considers context and neighborhood character. The text amendments for implementing zones in this land use designation also propose different zones that reflect the geographies of the current zoning districts. RMB (currently the R4 and R5 zones), and RMC (currently the R7 and R10 zones). Standards for minimum lot size, minimum density, maximum floor area ratio and other requirements vary according to the three land uses so the Development Code can recognize neighborhood character and context. The proposed Zoning Map Amendments retain the geographic locations of the former zoning districts while merging six zones into four zones. The current Zoning Map was found to be consistent with this policy. The proposed Zoning Map map includes fewer zones but retains the relative density of the zones. On the current map, R1 is the densest zone and R7 and R10 are the least intense. With the proposed zones, MR (the current R1) zone is the densest, RMA (the current R2) is the second-most dense,

and RMB (the current R4 and R5) is the densest in this land-use designation. Because the relative density of the zones scale up in the same direction and the proposed zones use the same geographies as the current zones, the proposed amendments are consistent with this policy. In addition, the proposed zones allow additional density in all the zones, which means more households will be able to access transit, commercial services, parks and/or other amenities.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 3.8.3 policy c.

Goal 4.2.1 Provide a variety of housing types that meet the needs and preferences of residents

Policy a) Ensure that sufficient land is appropriately zoned to meet a full range of housing needs, including an adequate amount of detached single family housing to meet projected demand

Finding: As described in the background section above and described in findings for other goals and policies, the Zoning Map amendment includes zoning districts that allow significant housing variety and include site and design standards that require development to respond to context, including setbacks, floor area ratio maximums (which control the maximum floor area allowed on a lot), height limits, outdoor area requirements, and other design features. Single-detached dwellings are allowed throughout RMA, RMB, and RMC zoning districts.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.2.1 policy a.

Goal 4.5.1 Ensure that Beaverton continues to be one of the most livable communities in the region

Policy e) When considering comprehensive plan and zoning map amendments, address the potential impacts of densification, including increased traffic and noise, on established neighborhoods.

Finding: The Comprehensive Plan amendment revises and applies Lower, Medium, and High Residential land use designations to the same geographical area as the current area covered by the Neighborhoods land use designations. The land use designations have implementing zones (MR, RMA, RMB, and RMC) that allow a range of housing types, including middle housing because state law and Oregon Administrative Rules 660 Division 46 require Beaverton to allow middle housing in areas where single-detached homes are allowed. The proposed amendments to the implementing zones include design standards that address some impacts of allowing additional density, including tree planting, outdoor open area requirements,



limits on the amount of street frontage that can be taken up by parking, and minimum off-street parking standards.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 4.5.1 policy e.

7.5.1 Goal: Development projects and patterns in the City that result in reduced energy consumption.

Finding: The Zoning Map Amendment applies zones that allow a range of housing types, including middle housing because state law and Oregon Administrative Rules 660 Division 46 require Beaverton to allow middle housing in areas where single-detached homes are allowed. MR is a high-density district, and RMA, RMB, and RMC allow middle housing and have no limit on maximum density. Some of the units produced under the zones will be attached units and smaller units, which on average use less energy than a large, single-detached home.

Conclusion: Staff finds that the proposed amendment is consistent with the Comprehensive Plan Goal 7.5.1.

Comprehensive Plan Summary Conclusion: Staff finds the amendment meets approval criterion 40.97.15.C.2 and is consistent with the City’s Comprehensive Plan and other applicable local plans.

Section 40.97.15.C.3

Criterion: All critical facilities and services are available or can be made available to an adequate capacity to serve the site and uses allowed by the proposed zoning designation.

FINDING

Chapter 90 of the Development Code defines critical facilities as “public water, public sanitary sewer, storm water drainage, treatment, and detention, transportation, and fire protection.” The Downtown Design District, which encompasses all properties affected by the proposed zoning map amendment, is a fully developed area with critical facilities currently available, or easily made available, to all properties. Services are generally located within the public right of way. These services include public water, which is provided by the City of Beaverton; storm water drainage, treatment and detention, which is provided by facilities the City of Beaverton and Clean Water Services; and sanitary sewer, which is provided by the City of Beaverton and Clean Water Services. Proposed developments will be subject to Section 40.03 Facilities Review, which requires new developments to either construct improvements to the public systems to adequately serve the site, or



demonstrate that the existing critical facilities have the capacity to adequately serve the site.

Any new development will be required to obtain service provider letters from the City of Beaverton and Clean Water Services to confirm that adequate services are available.

The MR, RMA, RMB, and RMC geographies applied in this Zoning Map Amendment cover the same geographies served by the current R1 through R10 zones, which are served by a network of roads and multi-use paths to accommodate travel citywide. Beaverton, Washington County, and the Oregon Department of Transportation have jurisdiction over these roads.

Proposed development citywide will be required to demonstrate compliance with all applicable transportation related requirements, including the submittal of a Traffic Impact Analysis if thresholds are met.

Tualatin Valley Fire and Rescue currently provides fire protection services for all of Beaverton, including the Downtown Design District, and will continue to do so following this zoning map amendment. All new development will be required to obtain a service provider letter from Tualatin Valley Fire and Rescue to confirm that the development can be served as designed.

Conclusion: Staff finds that the proposed amendment is consistent with the criterion in Section 40.97.15.C.3.

Section 40.97.15.C.4

Criterion: Essential facilities and services are available or can be made available to serve the site and uses allowed by the proposed zoning designation.

FINDING

Chapter 90 of the Development Code defines essential facilities as “schools, transit improvements, police protection, and on-site pedestrian and bicycle facilities in the public right-of-way.” The Zoning Map Amendment applies the MR, RMA, RMB, and RMC zones in places of R1 through R10, the current zones found consistent with his criterion. The zones, especially in RMA, RMB, and RMC, allow additional housing types/uses, including duplexes, triplexes, quadplexes, townhouses, and cottage clusters, in part because state law requires the city to allow these uses in zones where single-detached dwellings occur. The geographic areas where these zones apply have already been determined to have essential facilities.



The MR, RMA, RMB, and RMB zones are within areas served by the Beaverton School District or the Portland School District.

Development that includes new residential units will be required to obtain a service provider letter from the school districts confirm capacity. The city is served by TriMet transit, with three rail lines, MAX Blue Line, Max Red Line, and Westside Express and many bus lines. Police service in the city is provided by the Beaverton Police Department and will continue to do so following the zoning map amendment. Sidewalks currently exist in many but not all residential areas, and the frontages of most properties and will be required to be constructed or reconstructed to meet city standards at time of development. Bicycle lanes are required on certain streets depending on their functional classification. If required bicycle lanes do not exist along a site frontage, they will either be constructed at the time of development or right-of-way dedication will be sought if possible considering legal limitations.

Conclusion: Staff finds that the proposed amendment is consistent with the criterion in Section 40.97.15.C.4.

Section 40.97.15.C.5

Criterion: The proposal is or can be made to be consistent with all applicable provisions of CHAPTER 20 (Land Uses) or Section 70.15 (Downtown Zoning and Streets) if the site is located within the Downtown Design District. [ORD 4799; January 2021]

FINDING

Chapter 20 of the Development Code currently contains the development standards of each zone. The concurrently proposed Housing Options Project Text Amendment (TA2022-0002) will significantly revise Chapter 20 to provide additional housing variety and comply with state requirements to allow duplexes, triplexes, quadplexes, townhouses, and cottage clusters in zones that allow single-detached homes.

As the concurrent text amendment significantly revises Chapter 20 to comply with state law and implement the Comprehensive Plan, it is not possible for the proposal to be consistent with all provisions of Chapter 20.

Conclusion: Staff finds that this criterion does not apply.



Section 40.97.15.C.6

Criterion: For zone changes that create a parcel with more than one zoning designation the portion of the lot within each zoning district shall meet the minimum lot size and dimensional requirements of that zoning district. [ORD 4782; April 2020]

FINDING

The proposed Zoning Map Amendment uses the same geographic boundaries as the current zones R1 through R10, so new parcels will be created with more than one zoning designation.

Conclusion: Staff finds that this criterion does not apply.

Section 40.97.15.C.7

Criterion: The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.

FINDING

The Community Development Director, as the applicant, signed an original, completed application, which addresses Section 50.25.1.A. This staff report provides the written statement required in Section 50.25.1.B.

Conclusion: Staff finds that the proposed amendment is consistent with the criterion in Section 40.97.15.C.7.

Section 40.97.15.C.8

Criterion: 8. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

FINDING

Concurrent applications have been submitted with this Zoning Map Amendment will ensure that the proposed zones can be properly implemented. A Comprehensive Plan Amendment (CPA2022-0004) proposes to revise the Neighborhoods land use designations and related sections of the Comprehensive Plan. A Text Amendment (TA2022-0002) will include all development standards, such as required density, maximum heights, and permitted uses of the zones proposed in this Zoning Map Amendment.



Conclusion: Staff finds that the proposed amendment is consistent with the criterion in Section 40.97.15.C.8.

ZMA2022-0004 Other applicable approval criteria

As a post-acknowledgement amendment to the City's Code, the proposed zoning map amendment is subject to ORS 197.175(2), which requires that the City demonstrate that the proposed zoning map amendment be consistent with the relevant Statewide Planning Goals.

FINDING:

Of the 19 Statewide Planning Goals, staff finds that the following goals are directly relevant to the proposed amendment: Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), Goal 10 (Housing), and Goal 12 (Transportation).

Goal 1 Citizen Involvement

Goal text: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process. The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues. Federal, state and regional agencies and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

Finding: The Beaverton Citizen Involvement Program adopted by Resolution 2229 in 1980 established a formalized public participation program that provides a method by which the Beaverton Committee for Community Involvement (as renamed in Ordinance 4624 signed in 2013) and other community members can communicate their opinions and inquiries about city matters, including the planning process. The proposed amendment is subject to the public notice requirements of the Comprehensive Plan. At the public hearing, the Planning Commission will consider written or oral testimony before making a recommendation to City Council.

Consistent with procedures outlined in the Beaverton Comprehensive Plan, notice of the proposed amendment was sent to all NAC chairs, the Chair of the BCCI, Washington County's Department of Land Use and Transportation, Metro, and DLCD.



Copies of the hearing notice were posted at City Hall and the City Library and published in the newspaper, consistent with noticing requirements. A notice was also posted on the city's website. Mailed notice also was sent to more than 24,000 property owner addresses to notify property owners where the proposed amendments affect allowed land uses.

Conclusion: Therefore, staff finds the city has provided adequate notice and opportunity for public involvement consistent with Goal 1.

Goal 2 Land Use Planning:

Goal text: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

Finding: Section 40.97.2.C of the Development Code describes the approval criteria for legislative zoning map amendments. The findings and conclusions in the Staff Report explain how the proposed zone changes are consistent with the approval criteria and procedural requirements for amending the Development Code.

The proposed Zoning Map Amendment meets the threshold for a legislative change because it involves zoning change for a large number of properties. Every lot in R1, R2, R4, R5, R7, and R10 have a new zone applied or have a new zone name applied.

Legislative changes to the Zoning Map require a Type 4 review process, which includes noticing and a public comment period, prior to a hearing before the Planning Commission. The hearing is open to the public and includes an opportunity to receive public testimony. At the conclusion of the hearing, the Planning Commission can continue the hearing to a later date, keep the record open for more information or make a recommendation to the City Council, the ultimate decision-making authority. Prior to adoption of the Comprehensive Plan amendments, the City Council will consider all the evidence in the record, including any testimony provided at the Planning Commission hearing and any recommended changes to the proposal.

The Housing Options Project that generated the proposed Zoning Map Amendment also followed a policy framework where the project identified issues and opportunities; considered alternatives; and developed a preferred approach based on community input and City Council direction. That preferred approach was used to develop the proposed Zoning Map Amendment.

The proposed Zoning Map Amendment was developed in a manner consistent with the city's land use planning process and policy framework, as reflected in the Comprehensive Plan and the Development Code. The findings contained within this report establish an adequate factual basis for the proposal.



Conclusion: Therefore, staff finds the Comprehensive Plan amendment is consistent with Goal 2.

Goal 10 Housing:

Goal text: To provide for the housing needs of the citizens of the state.

Finding: Beaverton’s Housing Needs Analysis (HNA) was published in October 2015. It demonstrated a need for all housing types in the 20-year period ending in 2035. This was true for both the current Beaverton city limits as well as the city limits plus the assumed urban service area, which is an area where it is assumed Beaverton will provide governance in the future. The state Department of Land Conservation and Development (DLCD) found it to be consistent with the requirements of Statewide Planning Goal 10.

See Table 17 for the number of housing units projected to be needed.

Table 17: Projected Future Need for New Housing Units (2035)

	SF detached	SF attached	Duplex	3 or 4 units	5+ units
Current city limits (2015)	5,767	1,542	295	718	3,866
City limits plus assumed urban service boundary	14,001	2,626	958	2,107	7,999

Source: Beaverton Housing Needs Analysis (part of the city’s Housing Strategies Report) Figure 5.3 and Figure 10.3. <https://www.beavertonoregon.gov/DocumentCenter/View/10322>. Accessed April 14, 2020.

Based on the findings in Beaverton’s Housing Strategies Report in Volume II of the Comprehensive Plan, which includes the city’s Buildable Lands Inventory and Housing Needs Analysis, Beaverton updated its Comprehensive Plan’s Housing Element and Land Use Element to address the identified housing needs. DLCD also found these Comprehensive Plan changes consistent with the Statewide Planning Goals. In addition, the city successfully applied for an Urban Growth Boundary expansion in 2018 and is currently planning for the 1,200-acre Cooper Mountain expansion area.

The proposed Comprehensive Plan amendments are intended to comply with House Bill 2001, which requires the city to allow middle housing in residential districts that



allow single-detached homes. Beaverton's ZMA TA2022-0002 includes Development Code amendments that comply with that law. Those Development Code amendments in general will allow duplexes, triplexes, quadplexes, townhomes and cottage clusters in zoning districts where the current code does not allow middle housing or only allows it in limited circumstances. This will increase the number and housing type variety of units that could be allowed on thousands of lots within the cities. The city has just started a Housing Needs Analysis and Housing Production Strategy project to determine the city's future housing needs and identify how many housing units the city can expect to produce with current zoning and with the TA2022-0002 Development Code amendment.

This Zoning Map Amendment supports the Development Code amendment to allow middle housing.

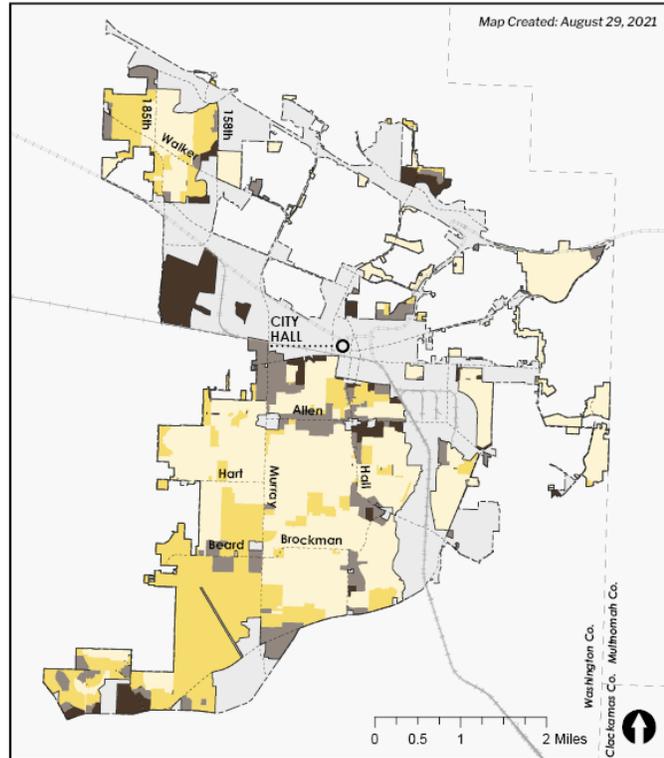
The draft code would replace the current R2, R4, R5, R7 and R10 zones with three new zones, Residential Mixed A, Residential Mixed B, and Residential Mixed C, abbreviated as RMA, RMB, and RMC. The map amendment uses the same geographies as the current R zones but combined and/or renames the existing zones. The proposed zoning map is shown in Figure 7.

- R1 is proposed to be renamed Multi-unit Residential, or MR
- R2 is proposed to be renamed RMA.
- R4 and R5 are proposed to be merged into RMB.
- R7 and R10 are proposed to be merged into RMC.

Figure 7: Proposed zoning district boundaries

Legend

- MR** (Multi-unit Residential)
- RMA** (Residential Mixed A)
- RMB** (Residential Mixed B)
- RMC** (Residential Mixed C)



The map legend also would be edited to reflect those changes. Because the combined Zoning Map Amendment and Text Amendment would allow a wider variety

Conclusion: Therefore, staff finds the Comprehensive Plan amendment is consistent with Goal 10.

Goal 12 Transportation

Goal text: To provide and encourage a safe, convenient, and economic transportation system.

Finding: No findings are necessary regarding Goal 12 because ORS 197.758 Sec. 3 (5) says: “When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility. [2019 c.639 §3].” CPA2022-0004, TA 2022-0002, and ZMA 2022-0004 are amending the city’s Comprehensive Plan,



Development Code and Zoning Map to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings. TA 2022-0002 also removed single-detached dwellings as an allowed use, but those districts already allow and will continue to allow the same more intense uses with higher travel demand than a single-detached homes, so those changes will have no significant effect on the transportation system.

Conclusion: Therefore, staff finds the Comprehensive Plan amendment is consistent with Goal 12.

Goal 13 Energy Conservation:

Goal text: To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

Finding:

The proposed Zoning Map Amendment supports amendments in TA 2022-0002 that include the following provisions to support energy conservation, including:

- Allowing more types of housing and more housing units on vacant land within the city and on properties that could redevelop to add units. The proposed map and text amendments allow additional units and housing types within the urban area, which will take advantage of existing transit access and existing infrastructure rather than requiring new infrastructure and transportation farther away from existing destinations, providing new households with less energy than required to add households in areas without existing infrastructure or transit service.
- Allowing smaller lots, a variety of minimum lot sizes for different housing types, and minimum densities to ensure efficient use of the land and allow the creation of smaller units that tend to use less energy than larger units.
- Requiring adequate setbacks to ensure the availability of light, wind and air, including 15-foot rear setbacks and 10-foot front setbacks. Site design standards also require outdoor open area and tree planting in most situations. The code also allows larger buildings if trees preserved on the site.
- Incorporating site design requirements that require developments to provide space for solid waste and recycling containers to promote recycling.
- Allowing duplexes, triplexes and quadplexes to be detached, which provides the opportunity for each unit to install its own renewable energy systems, or attached, which has the benefits of shared walls and allows the building owner to add renewable energy sources to the entire structure.



Conclusion: Therefore, staff finds the Comprehensive Plan amendment is consistent with Goal 13.

State Land Use Goal Compliance Summary: Staff finds that the proposed comprehensive plan amendments comply with applicable Statewide Planning Goals and Oregon Administrative Rules.

STAFF RECOMMENDATION

Based on the facts and findings presented, staff offers the following recommendation for the conduct of the May 11, 2022, public hearing for ZMA2022-0004, Housing Options Project Zoning Map Amendment.

- A. Conduct the public hearing and receive all public testimony relating to the proposal.
- B. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
- C. Recommend **APPROVAL** of zoning map amendment application ZMA2022-0004 Housing Option Project Zoning Map Amendment to the City Council.